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The World's Orators

Comprising

THE GREAT ORATIONS OF THE WORLD'S HISTORY

With

Introductory Essays, Biographical Sketches and Critical Notes

GUY CARLETON LEE, PH.D.
Editor-in-Chief

WITH ILLUSTRATIONS

G. P. PUTNAM'S SONS
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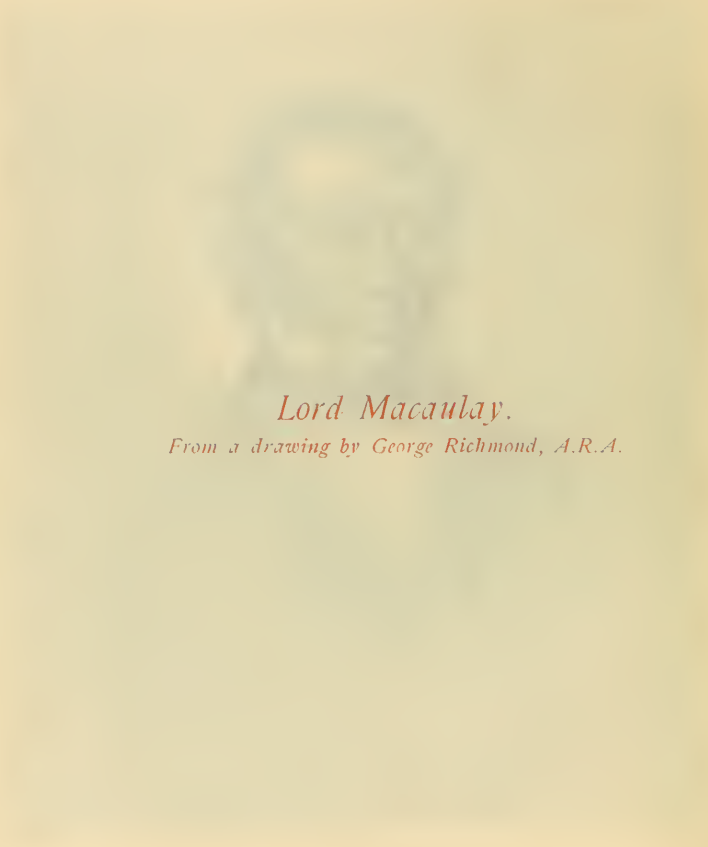

Lord Macaulay.

From a drawing by George Richmond, A.R.A.

Orators of England

Part II.

Edited by

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Of Johns Hopkins University

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PREFACE

TO

THE ORATORS OF ENGLAND

(Part II)

IN this seventh volume of the World's Orators Series the attempt has been made to continue the illustration of the development of oratory in England from the close of the period covered by the sixth volume of this series to the end of the first half of the nineteenth century. The volume, as its immediate predecessor, has been strictly confined to the orators of England. The most rigid exclusion has been rendered necessary by the limits of space; but it is thought that the result adequately represents the phases of oratorical history.

G. C. L.

HISTORICAL DEPARTMENT,
JOHNS HOPKINS UNIVERSITY,
July, 1900.

CONTENTS

PAGE

Preface . . . . . *v*

Introductory Essay

The Oratory of England (Part II.) . . . *1*

Lord Erskine

Introduction *23*

In Behalf of James Hadfield *25*

George Canning

Introduction *73*

On the Policy of Granting Aid to Portugal . *75*

Sir James Mackintosh

Introduction *109*

In the Case of Jean Peltier *111*

Sir Robert Peel

Introduction *179*

On the Disabilities of the Jews *181*

Lord Macaulay

Introduction *213*

On the Disabilities of the Jews *215*

PAGE

Lord Brougham

Introduction 235

On the Army Estimates 237

Lord Lytton

Introduction 259

On the Reform Bill 261

Earl of Beaconsfield

Introduction 269

On the Evacuation of Candahar 271

John Bright

Introduction 289

On Peace 291

William Ewart Gladstone

Introduction 309

On the Disestablishment of the Irish Church . 311

ILLUSTRATIONS

PAGE

Lord Macaulay . . . . . *Frontispiece*
From a drawing by George Richmond, A.R.A.

Lord Erskine 26
After the painting by Cosway, R.A.

George Canning 76
From a bust by F. Chantrey, R.A., in the National Portrait Gallery, London

Sir James Mackintosh 112
From a painting by Sir Thomas Lawrence, A.R.A.

Sir Robert Peel 182
From the painting by John Linnell, in the National Portrait Gallery, London

Lord Brougham 238
After the painting by Lonsdale

Lord Lytton 262
From an original drawing by F. Say

PAGE

Earl of Beaconsfield 272
From the painting by Sir John E. Millais, in the National Portrait Gallery, London.

William Ewart Gladstone. Ætat 69 . . 312
From a steel engraving

William Ewart Gladstone. Ætat 31 . . 314
After the portrait by Joseph Severn

THE WORLD'S ORATORS

THE WORLD'S ORATORS

THE ORATORY OF ENGLAND

PART SECOND

THE field of oratory widened with the development of national life. With the progress of the English people came a marked increase of the impulses and opportunities which are the basis of oratorical effort. These impulses and opportunities were as varied as the talents of the orators they produced. It was, however, from the vortices of storm-centres that eloquence most often sounded. Such storm-centres thronged the passing years; they arose from the clashing of conflicting interests in the disorders attendant upon revolution and war, abuses in the formation and administration of government, disabilities imposed upon classes and sects, restrictions upon liberty, and the distress of the people. Nor were they limited even to these

causes; others, hardly less powerful, assisted in calling them into existence. This period of ignorance and enlightenment, of poverty and splendor, of virtue and crime — this space in which England passed through more varied and important experiences than in any like space of her twenty centuries of history—this period of storm and stress was the Golden Age of English Eloquence.

The Golden Age lasted almost one hundred years. It began with Lord Chatham, the greatest of English extemporaneous speakers; it included the activities of Erskine, the most talented forensic orator of his country's history; it ended before Disraeli and Gladstone, the greatest of debaters and most powerful of platform speakers, had passed from English political life.

The Golden Age was famous for development and exemplification. Within this period the established lines of oratorical effort were followed. Secular oratory was sharply divided from ecclesiastical. The former was subdivided into the oratory of the law courts, the platform, and the Houses of Parliament.

The oratory of the law courts was greatly affected by the spirit of the times. The trammels of the jargon of law-French and law-Latin, the limitations upon free speech, and the hindrances caused by antiquated procedure were swept away. Forensic oratory at once took high rank, and its

exponents were among the most eloquent orators of the Golden Age. Forensic oratory possessed an intensity and passion that few specimens of later parliamentary oratory exhibit. It possessed a beauty and style to which platform oratory rarely attained.

The orators of the law courts — and in this term one includes the House of Lords when acting as a court — were few in number and did not confine their talents to forensic eloquence, and they were the greatest orators of their day. Such men as Brougham, Erskine, and Mackintosh are to be counted as statesmen as well as lawyers, as Bright, Disraeli, Channing, and Gladstone were parliamentary as well as platform speakers.

The beginning of platform oratory, the latest developed and the most important of the forms of English public speaking, has been traced in the preceding volume of this series. In the period of which we are now speaking it had obtained a status whose great importance can be clearly traced to the election campaigns of 1768–1769 and 1774, which culminated in a great victory for platform oratory.

The importance of the platform was permanent, and, from the days of Burke to the present, politicians of every rank have appealed to the people. Platform oratory has from the first met with fierce opposition. Restraining act after restraining act,

state trial after state trial, was directed against the platform by the Government. Three times was free speech stifled, but each suspension of its liberty was followed by renewed strength. In 1825, at the expiration of the Seditious-Meeting-Prevention-Act, the "legal position of the platform was clearly established and made good"; the doctrine of free speech was henceforth to prevail in England.

But it is principally with the oratory of Parliament that we deal in this volume. Parliamentary oratory is, perhaps more than any other, dependent upon the spirit and event of the day. "The ages call, and heroes come"; the time summons its oratorical critics or expositors, and these respond to the call. The latter portion of the eighteenth century, the first half of its successor, were replete with stirring events. Long before the bursting of that pregnant tempest, the French Revolution, the mutterings which heralded the storm were heard as they grew in volume and portent. The causes which were to produce the most stupendous effect of modern times were openly at work, and England was affected by them, though in different manner, almost as powerfully as France itself. Under the influence of the spirit which was abroad, there came a steady growth of boldness and independence of thought, a restless desire for greater liberties, for broader freedom. Courage was the badge of the public

speaker ; he did not tune his words to the ears of royalty, but spoke them aloud to the people, whom he recognized as the true, if not yet enthroned sovereign.

This spirit, under the fostering of events, gained rapidly in growth. With the close of the long Napoleonic wars came temporary quiet ; men were weary of excitement and longed only for repose. But this was not destined to last. The nation had seen freedom from afar, and although it had been lost to view in the murky clouds of battle, the people had not forgotten that it was fair. The nation had been aroused, and it could not again be lulled to complete slumber. It had learned to question ; it had found that it had a voice, and that that voice, once raised, would enforce attention. Agitation, speaking through the lips of the platform orator, began to grow. First showing itself under the guise of public discontent with existing laws, it soon penetrated into Parliament itself. Here it uplifted its voice until it gained attention. Question after question was brought into prominence and laid before the House for decision. In rapid succession came Chartism, Anti-Slavery agitation, Catholic Emancipation, the Disestablishment of the Irish Church, the remittal of Jewish Disabilities, the Anti-Corn-Law movement, and that incubus which weighed so heavily upon the heart of many a great

statesman, and which bore the imposing and all-embracing title of Reform.

Thus a new element was imported into the oratory of Parliament. Heretofore, it had generally been roused to its highest pitch by extraneous influence, or at least by the threat of arms, whether foreign or domestic. In the days of the foundation of the Commonwealth there had been internal quarrel to rouse fire and passion in the speaker; since that time had come colonial revolt and foreign attack, and these and kindred causes had been the moving springs of most of the great speeches which had resounded in the hall of the House. But now, under the new order of things, a new class of question came uppermost. The State was no longer the main issue; the People had put forward its claim to recognition.

Parliament, under these conditions, gradually reverted to its original functions of a legislative rather than a diplomatic body. This, together with another cause which will be shown later, produced a change in the nature of parliamentary oratory. It became more severely practical; it dealt with internal rather than external causes, and hence lost in glitter and ornament, but gained in lucidity and logic. The legislator could dispense with the trappings of oratory; it was his not to incite or rouse, but to convince. He could not afford to pay great attention to the form of his

words ; he must be wary, lest he betray to his watchful adversary some joint in his armor, but his panoply of war need not be resplendent with gold or gem.

Thus it came about that the parliamentary orator gradually drew closer in style of diction to his brother of the platform. Each was in reality speaking for the people and to the people, and the legislator recognized to the full his responsibility to those who gave him his powers, and the need for placating and informing them. Therefore the orator of the senate by degrees abandoned the more ornate phraseology of his predecessors, speaking in plain words that he might be the better understood of all men, and thinking of the effect which he should make upon his constituents rather than that which he produced upon the critical or literary mind.

But this change, growing more and more marked with the passage of each decade as the century grew older, had another, though less evident cause. And this cause was perhaps even more potent for change of style in speech than was the influence of historical events, though it too was connected with the history of nations. It was a cause which has always influenced, even dominated, the characteristics of oratory : the connection between oratory and national literature.

Ever since writing first assumed the dignity of

an art, the speaker and the writer have been governed by the same temporal and national impulses. The orator, dramatist, and poet alike drew their inspiration and manner from the time in which they lived, and each reacted upon the other. But while the art of the public speaker not infrequently preceded that of the other exponents of the literature of a nation, it invariably learned to depend on its contemporary arts for style and method.

This connection between the spoken and the written word has been most marked in the branch of literature which is broadly classed as poetry. From the earliest days in which we have record of oratory, it leaned upon the art of the singer. The orator was either himself a poet in all but exactness of form, or he gathered his inspiration and style of diction from the fields where the poet sowed. In the oral as well as written words of the prophets of the Old Testament, there is abundant evidence of familiarity with the poetry of their day, as well as of indebtedness thereto. Indeed, for centuries and æons poetry was the only literature which was held in honor ; and when the tree of letters put forth other branches, the primal bough did not, at least until these latter times, cease to hold pride of place for its fairer fruitage.

Most marked among Anglo-Saxon races has been this connection of orator and poet. The

speaker in Thing or Witan was, even if unconsciously, dominated by the recollection of the rude eloquence of skald or minstrel. The Puritan orator was influenced by Milton in his strength and carelessness of form. The great speakers at the close of the eighteenth century, even though they in some cases preceded the famous group of poets which made that day illustrious in letters, were ruled by the same influences that gave to those poets the inspiration of their song.

The dawn of the nineteenth century found English poetry at its zenith. Wordsworth, Shelley, Keats, Byron, Coleridge — these were names to conjure with. Their effect upon the oratory of the day was marked. Parliamentary speech grew smooth and elegant ; the rugged strength which had characterized the era of the English Revolution gave place to a rounded chasteness of diction which was purely literary. Yet strength was not wanting ; only it grew more repressed, less crude. The flowing periods of Burke and Sheridan could have had no place in a coarser age ; the era of rhythm had dawned, and the orator became of necessity more than half poet, reverting to the time of the gleeman. Eloquence became amenable to fixed laws ; it was no longer the sweep of the mountain torrent, tumultuous and careless of goal, but the graceful curve of the river, strong but placid. Broadsword yielded place to rapier.

The thrust was no less deadly than the blow, and far more worthy of applause. Strength there still was, and in plenty ; but it was conjoined to skill and rule.

Long ere the close of the eighteenth century, invective had begun to retire from front to background and virulence had become deemed a sign of weakness. Earnestness was still an indispensable quality ; but it was necessary that it should be refined and tempered. Above all, there was demanded that literary ichor which had never before, at least in such profusion, thrilled the veins of oratory. The diatribe pure and simple had been outlived ; it was not consistent with the dignity of letters, and satire, sarcasm, or innuendo took its place. It was found impossible at once to rail and to be admirable in style. It is true that on rare occasion, such as the younger Vane's brief but fierce denunciation of Richard Cromwell which marked the close of the Protector's public career, classical allusion had aptly found place in pure invective ; but usually the assailant had contented himself with good set terms, content to deal a rude but crashing blow, careless whether or no he transgressed the rules of skill, so that the effect was won.

Doubtless there were many exceptions to the general rule that, in the days of and prior to the Restoration, literary art was wanting in oratory.

The Elizabethan Age had produced in Shakespeare, Marlowe, Massinger, Jonson, and Spenser a galaxy of dramatists and poets who had left deep impress upon literature, and their influence was felt in oratory as well. The speeches of Eliot and Strafford were not devoid of elegance, and Bacon's spoken words have a distinct echo of the literary manner of his writings, but the tendency of the days of the English Revolution was still toward plainness of exposition. Cromwell was ranked as an orator of that time, yet his speeches are utterly wanting in any approach to literary form, being as blunt and careless of criticism as were his manner and his deeds.

The Restoration brought but little grace or benefit to literature. The Merry Monarch was hardly of a nature to be patron of the higher types of letters, and writers of comedy, such as Wycherly and Congreve, alone flourished in his reign. Still, there was a growing tendency to improvement in style. Dryden, with all his faults as man and poet, had wrought for good, and his influence upon his generation was apparent. Such men as Lord Nottingham modelled their oratory to some extent upon Dryden's rather turgid style, and the result was at least to lend dignity to speech, even if pomposity was also discernible. But there was little intrinsic improvement in the manner of oratory, however this had gained in seeming. Even

Walpole, the forerunner of the coming school of public speech, was too often guilty of carelessness and crudeness of form, although his felicity of statement and dexterity of argument lent his speeches power and classed him as a true orator.

But with the advent of William Pitt the Elder, later and better known as Lord Chatham, came a new era in the traditions of the rostrum. This wonderful orator, perhaps the greatest ever known to the English Parliament, was well prepared for his task by study of the great past masters of rhetoric. He had spent much of his academic career in perusing and translating the orations of Demosthenes, and had also made a close study of that quaint old book, *Bailey's Dictionary,* by which latter occupation he acquired great store of varied words. To these preparations he joined a fine figure, a mobile and expressive face, a pleasing voice, and a mind at once powerful and acute. He soon displaced Walpole as the foremost of debaters, and held undisputed precedence until his death. It was he who first gave to English oratory the distinctly literary flavor which it preserved for over a century. In his speeches first appears a definite and chastened style. He never wavered or rambled, but went by easy stages toward his ends, and his diction, while never forced or labored, was always elevated and noble. Even in the

terrific intensity of his rarely indulged invective, his language never lost the literary quality, the sentences retaining dignity even in the sweep and whirlwind of their passion.

This manifestation of the power of force refined by grace was not lost upon the orators of England. Lord Mansfield adopted and perpetuated the literary style of speech. With his deep classical learning, he was enabled to add beauty of imagery to debate and to prove the value of metaphor and allegory to reasoning speech. And now the new era of oratory was fairly ushered in. The House of Commons, where platitude and dulness had been rule rather than exception, began to assume the dignity of a school of literature. Before Chatham and Mansfield disappeared from its halls, these had been thrilled by the glowing eloquence of Edmund Burke. Far from faultless as an orator, somewhat tedious and inconsequent as a debater, Burke was yet more purely literary in his speech than any predecessor or follower. He cultivated almost to extreme the graceful period, the rounded number. Each of his sentences had true proportion ; each of his clauses was in proper place. In his speeches form reached its apotheosis. He won instantaneous fame, and the eulogiums at first showered upon him read like hyperbole. Chatham stamped the first speech of the young orator by saying in the House that he had intended to take

part in the debate, but that his predecessor therein had left him nothing that he could add. But it must be noted that at the outset of his career Burke had not acquired the worst of the faults which finally rendered his oratory ineffective. He had not then become dominated by the spirit of rhythmic form ; the poetic ichor had begun to stir in the veins of oratory, but had not yet assumed mastery over its heart. The glowing stars of Byron and Shelley had not risen. Pope had come to herald them, and his influence is traceable in the words of parliamentary speakers ; but that very monotony which renders him wearisome to present-day readers made him innocuous as an exemplar, for his style was too dissimilar to that required in oratory to enter largely in spirit into the speech of debate.

Now dawned the day when English oratory was to attain its zenith. When Burke, Sheridan, Fox, and Pitt came together in debate, the intellect could desire no further delight. Here was something to satisfy every diverse taste. If one became satiated with the long and graceful periods of Burke, he could turn to the pungent wit which illumined the speeches of Sheridan ; if he grew restive or weary under the rapid earnestness and unrestrained sweep of Fox, he could find respite in the cold, measured formality of Pitt. Of these brilliant men, Sheridan was the most highly gifted,

but also the most anomalous. It is frequently regretted that the record of his speeches is almost entirely wanting ; yet it may be that, could they be found in some modern palimpsest, they would contain as much to be reprehended as to be praised. In humor, in felicity of phrasing, in power to sway and incite his hearers, Sheridan, to judge from contemporary reports, was unequalled ; but he was often guilty of exaggeration and hyperbole, such as in more coldly critical days would have proved fatal to his reputation for taste. Fox was preëminently a debater. He could wither an opponent with biting scorn, wound him to the quick with contemptuous sarcasm, render him ridiculous with quaint application of anecdote, or overwhelm him with keenness and lucidity of argument. In the rush and torrent of his speech, when he had gathered impetus and force, he would pour forth his words in tumultuous haste, thought following thought with almost bewildering speed of succession ; yet he never lost sight of his main point, recurring to it again and again, in varying guise but with similar effect. Pitt was dignified and artificial, never losing command of himself, giving impression of restrained strength rather than intensity. His speeches were masterpieces of reasoning, aiming to convince rather than to incite, outwardly candid, yet really examples of skilful suppression. Here was no fiery volcano pouring

forth floods of scorching lava, but a mighty glacier, as firm as cold, moving steadfastly toward its goal, undeterred by barrier of earth or rock.

But not alone in the senate was there marked change in oratorical style. The bar had not cultivated grace of diction until the forum first pointed the way, but under the new influence came a new order of things. Here also literature lifted its head to blossoming, and soon grew to perfect fruit. Mansfield set the example, and followers arose on every side. Mackintosh proved again and again the value of real eloquence even in the ears of Justice, where feeling is supposed to be entirely dominated by reason, and Erskine was not infrequently indebted for victory to his matchless skill in presenting, his splendid eloquence in pleading his cause. "Vixerunt fortes ante Agamemnon"; there had been great advocates before the day of these men, but the needs of the times had changed, importing different standards and conditions, and these heroes of oratory had responded to the call of the age. Erskine's marvellous mastery of speech was absolutely adapted to his chosen profession. In Parliament he produced but little impression; but as a barrister his power was unrivalled. He was peculiarly apt in seizing the salient points of a case and insisting upon these with a skill which avoided iteration or redundancy and never inflicted weariness. Withal, he was always fluent and

graceful in diction, and in his days of greatness the oratory of the bar touched its apogee.

Thus forensic oratory had at the beginning of the current century grown to perfect form. But it is an inevitable natural law that there is no quiescence; progression or retrogression is ever present. Nothing remains at its flood; this reached, the tide begins, however imperceptibly, to recede. So it was with oratory. The very quality — that of literary excellence — which had brought it to so noble an eminence caused it to descend on the other side of the heights. For, under the poetic influence, there entered into forensic speech an overexuberance, a luxuriant verbosity, an overtendency to rhythmic color, which grew into a parasite, sapping the strength of the parent tree. Speech, which had once been too crude for due effect, now became overrefined; there were lacking in it virility and spontaneity. This was but for a time; but it caused the necessity of a new order of things. Macaulay, as was a necessity with him, perpetuated the literary rule, but it was to his vigorous intellect, keenness of judgment, and soundness of logic, rather than to his style, that he owed his fame as an orator. Lord Lytton, better known as Bulwer, was as graceful in speech as in written composition, but he was ineffective in appeal to his contemporaries, though always heard by them with respect. Men became wearied

by perfection of form; invariable grace brought sense of weakness. Declamation began to wane as rhetoric grew moribund; eloquence still existed, but in more repressed form. It was still permissible to show earnestness; but fire was reprehensible. Debate grew gradually colorless; the reason was the sole arbiter to which appeal should be made, eschewing all attempt at exhortation or incitement. It was because he transgressed these canons of the new faith that Disraeli's first speech was received with roars of laughter; it was because he learned to absolutely conform to them—even to emphasize them—that he afterward became the most effective debater of his generation.

The literary quality had not been altogether banished; education was too prevalent to permit such reversion to an imperfect type. But that literary quality was severely chastened and held in bondage; it must not be sinned against, but neither must it be allowed to rule. With the extreme, which is invariable in reaction, there was recurrence to a style of the most severe simplicity. Metaphor was utterly banished, and poetical imagery would have provoked more ridicule than applause. English oratory was rapidly sinking into its decadence, and there were threatening portents of a day when it should become one of the lost arts.

Yet even in the latter half of the nineteenth

century there were a few men who, though in varying style, might claim fellowship with the orators of the past. They were at least fluent and skilful in their use of words ; and, if they carefully cultivated repression of manner, they sometimes showed gleams of the fire which had once burned upon the altar. Of these William Ewart Gladstone was the most prominent figure. For nearly half a hundred years he dominated his party, and generally his country. This was not chiefly owing to his eloquence ; it was mainly due to his abilities as a statesman, yet more to his unquestioned integrity as a man. But it is as orator that he is here to be considered, and in this respect it is difficult to assign him rank. He had fine command of language and great classical lore, which latter he too often used to satiety of hearers and confusion of reporters — indeed, there was but one reporter who had sufficient classical knowledge to follow Gladstone, and, when the latter arose, the veteran was always sent for in hot haste by his confrères of the gallery. To some extent Gladstone combined the old and the new schools ; if he sometimes warmed to the eloquence of the past, he oftener held to a dead level of argument or statement, unrelieved by one flash of rhetorical fire. Withal, he was usually verbose and redundant, treating his points with insistence rather than closeness. He was overtenacious of

his propositions, and was given to testiness and excitement under contradiction. Yet he was wonderfully successful as a speaker, always commanding respect and sometimes arousing enthusiasm.

Another who sometimes, though rarely, made use of the moribund style of oratory was John Bright. He was effective from evident conviction rather than from expression, but he could on occasion rise to great height. Still, he was usually simple in diction, depending for result upon theme rather than presentation.

The greatest exponent of the new form of debate was Benjamin Disraeli. Utterly abandoning the style of his maiden speech, he cultivated a colorless method which eschewed emotion and declamation and resembled the monologue of the drawing-room. He talked rather than spoke ; he had the air, in manner and diction, of taking into his confidence a select circle of friends, with occasional excursions into satire or veiled invective for the behoof of some outsiders. Orator, in the common acceptation of the word, Disraeli certainly was not. He was simply an effective talker ; but this was of calculation, not of inability. His works of fiction show tremendous scope of language, full of flower and fire, and it is certain that he could have spoken as well as written in this manner. But he deliberately put it by as a thing outworn, and adopted the extreme antithesis,

content to achieve his ends rather than win fame. Both came to him ; but it is not as a speaker that Disraeli's name will go down to posterity.

Yet he, too, founded, or at least formulated, a school of oratory. For since his day parliamentary debate has been conducted almost exclusively in his manner. Declamation has utterly passed away ; he who rises upon the floor of the House of Commons must put aside all thought of oratory as once known, and entirely subordinate manner to matter. What he has to say, not how he says it, now makes the effective speaker ; there is room for dexterity in the presentation of a subject, but ornament is strictly banished. The speech depends for effectiveness upon its heart ; the rind may be as rough as it will.

It is not within the scope of this work to deal with English debaters of the present day. Were it so, the reader would find a contrast far more marked than even that between the orators of the eighteenth and those of the seventeenth centuries. As in all else, fashion rules ; the day calls for staid simplicity in speech, and the children of the day respond. In this also may be traced the influence of the current taste in literature. Realism is in the ascendent ; idealism and romance are of the past. Matter-of-fact is the ruling deity, and all successful men of letters must be content to be its prophets.

And especially is it to be noted that as with the zenith of poetry came that of oratory in England, so with the nadir of the former came corresponding decline of the latter. Not that oratory is dead ; it yet lives, but in another form and shorn of much that gave it the dignity of art. The fiery speaker of the tribune, swaying to hasty deeds the multitude that hung upon his words, has passed away ; the parliamentary man of letters, elegant in diction, rich in flowers of rhetoric, is heard no more. In their place has come the unlettered demagogue, seeking effect only in the lawlessness of his utterances, or the mere expositor, aiming only to place on the record his attitude upon the question at issue. Doubtless, since this latter is of purpose rather than weakness, such utterance is sometimes to be ranked as oratory, and one may even now find among the mass of platitudes specimens of occasional eloquence, called forth by sudden occasion, which show that the art is not beyond hope of renaissance. But it is to the past that one must turn for the models upon which a future art may be formed ; it is to Burke, Sheridan, Pitt, Fox, and their compeers, that we owe the ideal of all that is best and worthiest in the Oratory of England.

LORD ERSKINE

Thomas Erskine, the youngest son of the tenth Earl of Buchan, was born in Edinburgh in 1750. The Earl was extremely poor, and young Erskine's education was desultory and uncertain, although he spent some time at the University of St. Andrews. As his parents could not afford to educate him for a profession, he was sent to sea as a midshipman, but after four years entered the army. While stationed at Minorca he studied English literature, and on his return to London soon found his way into the most cultivated circles. Soon after, he resigned his commission and devoted himself to the study of law, entering Lincoln's Inn in 1775 and Cambridge in 1776. He underwent many privations consequent to his poverty, but his first speech brought him fame and fortune ; it is recorded that the attorneys "actually flocked around him with their retainers." In 1783 Erskine entered Parliament, but his career in the House was a great disappointment. In his profession, however, he continued to achieve brilliant successes, and in 1786 was made Attorney-General to the Prince of Wales. Erskine was of a nature too independent to display policy, however, and he was removed from office on account of his defence of Thomas Paine—an act performed from a high sense of duty, and he bore his unjust punishment with manly dignity. His defence of Dr. Shipley was characterized by his bold vindication of the independence of the bar, and as counsel for Hadfield, accused of attempting to assassinate the King, he displayed as much courage as eloquence. He was made Chancellor in 1806, but he was in no respect fitted for the office, and held it but a short time. His decadence set in about this period, and he gradually lost his energy and his powers, passing the last years of his life in neglect and poverty. Toward the end, he

showed in the defence of Queen Caroline a flash of his former self, but it was only an expiring flicker. He died in 1823.

Erskine was graceful in action and diction, finding his best effects in the chasteness of his language. He was close in argument and choice in diction, but his sentences were sometimes of too great length. At once forcible and harmonious, he peculiarly excelled in exordium, immediately fastening the attention of his audience, which he never suffered to relax. He was admirable in his arrangement, and always had a central principle in each of his speeches, to which he constantly recurred, though in varying manner. In unity, impressiveness, and grace he has been surpassed by no orator of any time.

Erskine's best-known works were two pamphlets entitled *Observations on the Prevailing Abuses in the British Army* (1772) and *Causes and Consequences of the Present War with France* (1797). He also wrote a satire called *Armata,* which had some vogue. The best edition of his speeches is that edited by Lord Brougham (4 vols., 1847), and a memoir of him will be found in the same work and in Lord Campbell's *Lives of the Lord Chancellors* (1856–57).

IN BEHALF OF JAMES HADFIELD

Erskine.

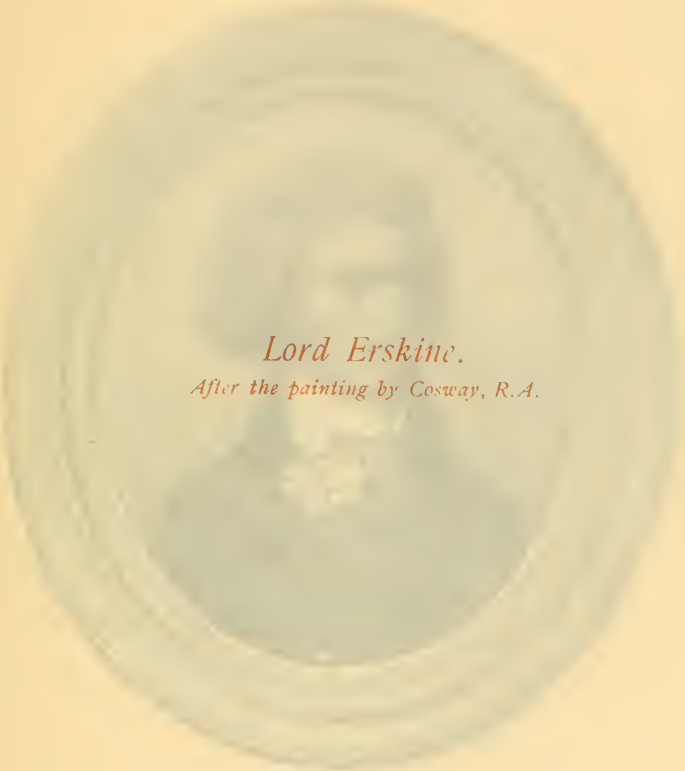
In 1800 James Hadfield, who had been a soldier in the British army but had been invalided, was arraigned at the bar of the Court of the King's Bench, charged with high treason. His crime consisted in attempting the life of the King by firing a pistol at him. Erskine defended him, taking the ground of "emotional insanity," and the speech is rightly considered the greatest ever delivered by the brilliant advocate. In a position of great difficulty, antagonizing the prejudices of the nation, he boldly and skilfully made use of the sympathies of his hearers and the claims of universal justice, and his clear, cogent, and powerful reasoning, as well as the eloquence of his appeal, were effective. The presiding judge, Lord Kenyon, gave as the opinion of the Court that the case should be abandoned, and the acquittal followed as a matter of form, though Hadfield was confined in an insane asylum for the rest of his life.

GENTLEMEN of the jury,— The scene which we are engaged in, and the duty which I am not merely privileged, but appointed by the authority of the Court to perform, exhibit to the whole civilized world a perpetual monument of our national justice.

The transaction, indeed, in every part of it, as it stands recorded in the evidence already before us, places our country, and its government, and its inhabitants, upon the highest pinnacle of human elevation. It appears that, upon the 15th day of

May last, his Majesty, after a reign of forty years, not merely in sovereign power, but spontaneously in the very hearts of his people, was openly shot at (or to all appearances shot at) in a public theatre, in the centre of his capital and amid the loyal plaudits of his subjects, yet not a hair of the head of the supposed assassin was touched. In this unparalleled scene of calm forbearance, the King himself, though he stood first in personal interest and feeling as well as in command, was a singular and fortunate example. The least appearance of emotion on the part of that august personage must unavoidably have produced a scene quite different and far less honorable than the Court is now witnessing. But his Majesty remained unmoved, and the person apparently offending was only secured, without injury or reproach, for the business of this day.

Gentlemen, I agree with the Attorney-General — indeed, there can be no possible doubt — that if the same pistol had been maliciously fired by the prisoner, in the same theatre, at the meanest man within its walls, he would have been brought to immediate trial, and, if guilty, to immediate execution. He would have heard the charge against him for the first time when the indictment was read upon his arraignment. He would have been a stranger to the names, and even to the existence, of those who were to sit in judgment upon



Lord Erskine.

After the painting by Cosway, R.A.

him, and of those who were to be the witnesses against him. But upon the charge of even this murderous attack upon the King himself he is covered all over with the armor of the law. He has been provided with counsel by the King's own judges, and not of their choice, but of his own. He has had a copy of the indictment ten days before his trial. He has had the names, descriptions, and abodes of all the jurors returned to the Court, and the highest privilege of peremptory challenges derived from and safely directed by that indulgence. He has had the same description of every witness who could be received to accuse him ; and there must at this hour be twice the testimony against him which would be legally competent to establish his guilt on a similar prosecution by the meanest and most helpless of mankind.

Gentlemen, when this melancholy catastrophe happened and the prisoner was arraigned for trial, I remember to have said to some now present that it was, at first view, difficult to bring those indulgent exceptions to the general rules of trial within the principle which dictated them to our humane ancestors in cases of treasons against the political government, or of rebellious conspiracy against the person of the King. In these cases, the passions and interests of great bodies of powerful men being engaged and agitated, a

counterpoise became necessary to give composure and impartiality to criminal tribunals ; but a mere murderous attack upon the King's person, not at all connected with his political character, seemed a case to be ranged and dealt with like a similar attack upon any private man.

But the wisdom of the law is greater than any man's wisdom ; how much more, therefore, than mine ! An attack upon the King is considered to be parricide against the State, and the jury and the witnesses, and even the judges, are the children. It is fit, on that account, that there should be a solemn pause before we rush to judgment ; and what can be a more sublime spectacle of justice than to see a statutable disqualification of a whole nation for a limited period, a fifteen-days, quarantine before trial, lest the mind should be subject to the contagion of partial affections !

From a prisoner so protected by the benevolence of our institutions the utmost good faith would, on his part, be due to the public if he had consciousness and reason to reflect upon the obligation. The duty, therefore, devolves on me ; and, upon my honor, it shall be fulfilled. I will employ no artifices of speech. I claim only the strictest protection of the law for the unhappy man before you. I should, indeed, be ashamed if I were to say anything of the rule in the abstract by which he is to be judged which I did not honestly feel ; I

am sorry, therefore, that the subject is so difficult to handle with brevity and precision. Indeed, if it could be brought to a clear and simple criterion, which could admit of a dry admission or contradiction, there might be very little difference, perhaps none at all, between the Attorney-General and myself upon the principles which ought to govern your verdict. But this is not possible, and I am, therefore, under the necessity of submitting to you, and to the judges, for their direction (and at greater length than I wish), how I understand this difficult and momentous subject.

The law, as it regards this most unfortunate infirmity of the human mind, like the law in all its branches, aims at the utmost degree of precision ; but there are some subjects, as I have just observed to you,—and the present is one of them,—upon which it is extremely difficult to be precise. The general principle is clear, but the application is most difficult.

It is agreed by all jurists, and is established by the law of this and every other country, that it is the reason of man which makes him accountable for his actions ; and that the deprivation of reason acquits him of crime. This principle is indisputable ; yet so fearfully and wonderfully are we made, so infinitely subtle is the spiritual part of our being, so difficult is it to trace with accuracy the effect of diseased intellect upon human action, that

I may appeal to all who hear me whether there are any causes more difficult, or which, indeed, so often confound the learning of the judges themselves, as when insanity, or the effects and consequences of insanity, become the subjects of legal consideration and judgment. I shall pursue the subject as the Attorney-General has properly discussed it. I shall consider insanity as it annuls a man's dominion over property, as it dissolves his contracts and other acts, which otherwise would be binding, and as it takes away his responsibility for crimes. If I could draw the line in a moment between these two views of the subject, I am sure the judges will do me the justice to believe that I would fairly and candidly do so ; but great difficulties press upon my mind, which oblige me to take a different course.

I agree with the Attorney-General that the law, in neither civil nor criminal cases, will measure the degrees of men's understanding. A weak man, however much below the ordinary standard of human intellect, is not only responsible for crimes, but is bound by his contracts, and may exercise dominion over his property. Sir Joseph Jekyll, in the Duchess of Cleveland's case, took the clear, legal distinction, when he said, "The law will not measure the sizes of men's capacities, so as they be *compos mentis*."

Lord Coke, in speaking of the expression *non*

compos mentis, says, "Many times (as here) the Latin word expresses the true sense, and calleth him not *amens, demens, furiosus, lunaticus, fatuus, stultus,* or the like, for *non compos mentis* is the most sure and legal." He then says, "*Non compos mentis* is of four sorts: first, *ideota* [an idiot], which from his nativity, by a perpetual infirmity, is *non compos mentis;* secondly, he that by sickness, grief, or other accident, wholly loses his memory and understanding; thirdly, a lunatic, that hath sometimes his understanding, and sometimes not—*aliquando gaudet lucidis intervallis* [has sometimes lucid intervals]; and, therefore, he is called *non compos mentis* so long as he hath not understanding."

But, notwithstanding the precision with which this great author points out the different kinds of this unhappy malady, the nature of his work, in this part of it, did not open to any illustration which it can now be useful to consider. In his fourth Institute he is more particular; but the admirable work of Lord Chief Justice Hale, in which he refers to Lord Coke's pleas of the Crown, renders all other authorities unnecessary.

Lord Hale says: "There is a partial insanity of mind, and a total insanity. The former is either in respect to things, *quoad hoc vel illud insanire* [to be insane as to this or that]. Some persons that have a competent use of reason in respect of

some subjects are yet under a particular dementia in respect of some particular discourses, subjects, or applications; or else it is partial in respect of degrees; and this is the condition of very many, especially melancholy persons, who for the most part discover their defect in excessive fears and griefs, and yet are not wholly destitute of the use of reason; and this partial insanity seems not to excuse them in the committing of any offence for its matter capital. For, doubtless, most persons that are felons of themselves and others are under a degree of partial insanity when they commit these offences. It is very difficult to define the invisible line that divides perfect and partial insanity; but it must rest upon circumstances duly to be weighed and considered both by judge and jury, lest on the one side there be a kind of inhumanity toward the defects of human nature, or, on the other side, too great an indulgence given to great crimes."

Nothing, gentlemen, can be more accurately or more humanely expressed; but the application of the rule is often most difficult. I am bound, besides, to admit that there is a wide distinction between civil and criminal cases. If, in the former, a man appears upon the evidence to be *non compos mentis,* the law avoids his act, though it cannot be traced or connected with the morbid imagination which constitutes his disease, and which may be

extremely partial in its influence upon conduct; but to deliver a man from responsibility for crimes, — above all, for crimes of great atrocity and wickedness,—I am by no means prepared to apply this rule, however well established when property only is concerned.

In the very recent instance of Mr. Greenwood (which must be fresh in his Lordship's recollection), the rule in civil cases was considered to be settled. That gentleman, while insane, took up an idea that a most affectionate brother had administered poison to him. Indeed, it was the prominent feature of his insanity. In a few months he recovered his senses. He returned to his profession as an advocate; was sound and eminent in his practice, and in all respects a most intelligent and useful member of society; but he could never dislodge from his mind the morbid delusion which disturbed it; and, under the pressure, no doubt, of that diseased prepossession, he disinherited his brother. The cause to avoid this will was tried here. We are not now upon the evidence, but upon the principle adopted as the law. The noble and learned judge who presides upon this trial, and who presided upon that, told the jury that if they believed Mr. Greenwood, when he made the will, to have been insane, the will could not be supported, whether it had disinherited his brother or not; that the act, no doubt, strongly confirmed

the existence of the false idea, which, if believed by the jury to amount to madness, would equally have affected his testament if the brother, instead of being disinherited, had been in his grave ; and that, on the other hand, if the unfounded notion did not amount to madness, its influence could not vacate the devise. This principle of law appears to be sound and reasonable, as it applies to civil cases, from the extreme difficulty of tracing with precision the secret motions of a mind deprived by disease of its soundness and strength.

Whenever, therefore, a person may be considered *non compos mentis,* all his civil acts are void, whether they can be referred or not to the morbid impulse of his malady, or even though, to all visible appearances, totally separated from it. But I agree with Mr. Justice Tracey that it is not every man of an idle, frantic appearance and behavior who is to be considered as a lunatic, either as it regards obligations or crimes, but that he must appear to the jury to be *non compos mentis* in the legal acceptation of the term ; and that not at any anterior period, which can have no bearing upon any case whatsoever, but at the moment when the contract was entered into or the crime committed.

The Attorney-General, standing undoubtedly upon the most revered authorities of the law, has laid it down that, to protect a man from criminal

responsibility, there must be a total deprivation of memory and understanding. I admit that this is the very expression used both by Lord Coke and by Lord Hale; but the true interpretation of it deserves the utmost attention and consideration of the Court. If a total deprivation of memory was intended by these great lawyers to be taken in the literal sense of the words: if it was meant that, to protect a man from punishment, he must be in such a state of prostrated intellect as not to know his name, nor his condition, nor his relation toward others: that, if a husband, he should not know he was married, or, if a father, could not remember that he had children, nor know the road to his house, nor his property in it—then no such madness ever existed in the world. It is idiocy alone which places a man in this helpless condition; where, from an original malorganization, there is the human frame alone without the human capacity; and which, indeed, meets the very definition of Lord Hale himself, when, referring to Fitzherbert, he says, "Idiocy, or fatuity *a nativitate, vel dementia naturalis,* is such a one as described by Fitzherbert, who knows not to tell twenty shillings, nor knows his own age, or who was his father." But in all the cases which have filled Westminster Hall with the most complicated considerations, the lunatics, and other insane persons who have been the subjects of

them, have not only had memory, in my sense of the expression—they have not only had the most perfect knowledge and recollection of all the relations they stood in toward others, and of the acts and circumstances of their lives, but have, in general, been remarkable for subtlety and acuteness. Defects in their reasonings have seldom been traceable, the disease consisting in the delusive sources of thought; all their deductions within the scope of the malady being founded upon the immovable assumption of matters as realities, either without any foundation whatsoever, or so distorted and disfigured by fancy as to be almost nearly the same thing as their creation. It is true, indeed, that in some, perhaps in many cases, the human mind is stormed in its citadel and laid prostrate under the stroke of frenzy; these unhappy sufferers, however, are not so much considered by physicians as maniacs, but to be in a state of delirium as if from fever. There, indeed, all the ideas are overwhelmed; for reason is not merely disturbed, but driven wholly from her seat. Such unhappy patients are unconscious, therefore, except at short intervals, even of external objects; or, at least, are wholly incapable of considering their relations. Such persons, and such persons alone (except idiots), are wholly deprived of their understandings, in the Attorney-General's seeming sense of that expression. But

these cases are not only extremely rare, but never can become the subjects of judicial difficulty. There can be but one judgment concerning them. In other cases, Reason is not driven from her seat, but Distraction sits down upon it along with her, holds her trembling upon it, and frightens her from her propriety. Such patients are victims to delusions of the most alarming description, which so overpower the faculties, and usurp so firmly the place of realities, as not to be dislodged and shaken by the organs of perception and sense: in such cases the images frequently vary, but in the same subject are generally of the same terrific character. Here, too, no judicial difficulties can present themselves; for who could balance upon the judgment to be pronounced in cases of such extreme disease? Another class, branching out into almost infinite subdivisions, under which, indeed, the former, and every case of insanity, may be classed, is where the delusions are not of that frightful character, but infinitely various and often extremely circumscribed; yet where imagination (within the bounds of the malady) still holds the most uncontrollable dominion over reality and fact. These are the cases which frequently mock the wisdom of the wisest in judicial trials; because such persons often reason with a subtlety which puts in the shade the ordinary conceptions of mankind. Their conclusions are just, and fre-

quently profound; but the premises from which they reason, when within the range of the malady, are uniformly false—not false from any defect of knowledge or judgment, but because a delusive image, the inseparable companion of real insanity, is thrust upon the subjugated understanding, incapable of resistance because unconscious of attack.

Delusion, therefore, when there is no frenzy or raving madness, is the true character of insanity. Where it cannot be predicated of a man standing for life or death for a crime, he ought not, in my opinion, to be acquitted; and, if courts of law were to be governed by any other principle, every departure from sober, rational conduct would be an emancipation from criminal justice. I shall place my claim to your verdict upon no such dangerous foundation. I must convince you not only that the unhappy prisoner was a lunatic, within my own definition of lunacy, but that the act in question was the immediate, unqualified offspring of the disease. In civil cases, as I have already said, the law avoids every act of the lunatic during the period of the lunacy, although the delusion may be extremely circumscribed, although the mind may be quite sound in all that is not within the shades of the very partial eclipse, and although the act to be avoided can in no way be connected with the influence of the insanity; but to deliver a

lunatic from responsibility to criminal justice, above all in a case of such atrocity as the present, the relation between the disease and the act should be apparent. Where the connection is doubtful, the judgment should certainly be most indulgent, from the great difficulty of diving into the secret sources of a disordered mind; but still I think that, as a doctrine of law, the delusion and the act should be connected.

You perceive therefore, gentlemen, that the prisoner, in naming me for his counsel, has not obtained the assistance of a person who is disposed to carry the doctrine of insanity in his defence so far as even books would warrant me in carrying it. Some of the cases—that of Lord Ferrers, for instance, which I shall consider hereafter as distinguished from the present—would not, in my mind, bear the shadow of an argument as a defence against an indictment for murder. I cannot allow the protection of insanity to a man who only exhibits violent passions and malignant resentments, acting upon real circumstances; who is impelled to evil by no morbid delusions, but who proceeds upon the ordinary perceptions of the mind. I cannot consider such a man as falling within the protection which the law gives, and is bound to give, to those whom it has pleased God, for mysterious causes, to visit with this most afflicting calamity.

He alone can be so emancipated whose disease

(call it what you will) consists not merely in seeing with a prejudiced eye, or with odd and absurd particularities, differing in many respects from the contemplations of sober sense upon the actual existence of things; but he only, whose reasoning and corresponding conduct, though governed by the ordinary dictates of reason, proceeds upon something which has no foundation or existence.

Gentlemen, it has pleased God to visit the unhappy man before you; to shake his reason in its citadel; to cause him to build up as realities the most impossible phantoms of the mind, and to be impelled by them as motives irresistible; the whole fabric being nothing but the unhappy vision of his disease—existing nowhere else—having no foundation whatsoever in the very nature of things.

Gentlemen, it has been stated by the Attorney-General, and established by evidence which I am in no condition to contradict, nor have, indeed, any interest in contradicting, that, when the prisoner bought the pistol which he discharged at or toward his Majesty, he was well acquainted with the nature and use of it; that, as a soldier, he could not but know that in his hands it was a sure instrument of death; that, when he bought the gunpowder, he knew it would prepare the pistol for its use; that, when he went to the playhouse, he knew he was going there, and knew everything connected with the scene, as per-

fectly as any other person. I freely admit all this ; I admit, also, that every person who listened to his conversation and observed his deportment upon his apprehension must have given precisely the evidence delivered by his Royal Highness the Duke of York, and that nothing like insanity appeared to those who examined him. But what then ? I conceive, gentlemen, that I am more in the habit of examination than either that illustrious person or the witnesses from whom you have heard this account. Yet I well remember (indeed, I never can forget it) that, since the noble and learned Judge has presided in this court, I examined for the greater part of a day, in this very place, an unfortunate gentleman who had indicted a most affectionate brother, together with the keeper of a madhouse at Hoxton, for having imprisoned him as a lunatic, while, according to his evidence, he was in his perfect senses. I was, unfortunately, not instructed in what his lunacy consisted, although my instructions left me no doubt of the fact ; but, not having the clue, he completely foiled me in every attempt to expose his infirmity. You may believe that I left no means unemployed which long experience dictated, but without the smallest effect. The day was wasted, and the prosecutor, by the most affecting history of unmerited suffering, appeared to the judge and jury, and to a humane English audience, as the victim

of the most wanton and barbarous oppression. At last Dr. Sims came into court, who had been prevented, by business, from an earlier attendance, and whose name, by-the-by, I observe to-day in the list of the witnesses for the Crown. From Dr. Sims I soon learned that the very man whom I had been above an hour examining, and with every possible effort which counsel are so much in the habit of exerting, believed himself to be the Lord and Savior of mankind ; not merely at the time of his confinement, which was alone necessary for my defence, but during the whole time that he had been triumphing over every attempt to surprise him in the concealment of his disease ! I then affected to lament the indecency of my ignorant examination, when he expressed his forgiveness, and said, with the utmost gravity and emphasis, in the face of the whole court, "I am the Christ" ; and so the cause ended. Gentlemen, this is not the only instance of the power of concealing this malady. I could consume the day if I were to enumerate them ; but there is one so extremely remarkable that I cannot help stating it.

Being engaged to attend the assizes at Chester upon a question of lunacy, and having been told that there had been a memorable case tried before Lord Mansfield in this place, I was anxious to procure a report of it. From that great man himself (who within these walls will ever be reverenced)

—being then retired, in his extreme old age, to his seat near London, in my own neighborhood—I obtained the following account of it : "A man of the name of Wood," said Lord Mansfield, "had indicted Dr. Monro for keeping him as a prisoner (I believe in the same madhouse at Hoxton) when he was sane. He underwent the most severe examination by the defendant's counsel without exposing his complaint ; but Dr. Battye, having come upon the bench by me, and having desired me to ask him what was become of the Princess whom he had corresponded with in cherry-juice, he showed in a moment what he was. He answered that there was nothing at all in that, because having been (as everybody knew) imprisoned in a high tower, and being debarred the use of ink, he had no other means of correspondence but by writing his letters in cherry-juice and throwing them into the river which surrounded the tower, where the Princess received them in a boat. There existed, of course, no tower, no imprisonment, no writing in cherry-juice, no river, no boat ; but the whole was the inveterate phantom of a morbid imagination. I immediately," continued Lord Mansfield, "directed Dr. Monro to be acquitted. But this man, Wood, being a merchant in Philpot Lane, and having been carried through the city in his way to the madhouse, he indicted Dr. Monro over again, for the trespass and imprisonment in London, knowing

that he had lost his cause by speaking of the Princess at Westminster. And such," said Lord Mansfield, "is the extraordinary subtlety and cunning of madmen that, when he was cross-examined on the trial in London, as he had successfully been before, in order to expose his madness, all the ingenuity of the bar, and all the authority of the Court, could not make him say a syllable upon that topic which had put an end to the indictment before, although he still had the same indelible impression upon his mind, as he signified to those who were near him; but, conscious that the delusion had occasioned his defeat at Westminster, he obstinately persisted in holding it back."

Now, gentlemen, let us look to the application of these cases. I am not examining, for the present, whether either of these persons ought to have been acquitted, if they had stood in the place of the prisoner now before you. That is quite a distinct consideration, which we shall come to hereafter. The direct application of them is only this, that if I bring before you such evidence of the prisoner's insanity as, if believed to have really existed, shall, in the opinion of the Court, as the rule for your verdict in point of law, be sufficient for his deliverance, then that you ought not to be shaken in giving full credit to such evidence, notwithstanding the report of those who were present at his apprehension, who describe him as

discovering no symptom whatever of mental incapacity or disorder. For I have shown you that insane persons frequently appear in the utmost state of ability and composure, even in the highest paroxysms of insanity, except when frenzy is the characteristic of the disease. In this respect, the cases I have cited to you have the most decided application, because they apply to the overthrow of the whole of the evidence (admitting, at the same time, the truth of it), by which the prisoner's case can alone be encountered.

But it is said that, whatever delusions may overshadow the mind, every person ought to be responsible for crimes who has the knowledge of good and evil. I think I can presently convince you that there is something too general in this mode of considering the subject; and you do not, therefore, find any such proposition in the language of the celebrated writer alluded to by the Attorney-General in his speech. Let me suppose that the character of an insane delusion consisted in the belief that some given person was any brute animal, or an inanimate being,—and such cases have existed,—and that upon the trial of such a lunatic for murder, you firmly, upon your oaths, were convinced, upon the uncontradicted evidence of a hundred persons, that he believed the man he had destroyed to have been a potter's vessel. Suppose it was quite impossible to doubt

that fact, although to all other intents and purposes he was sane; conversing, reasoning, and acting, as men not in any matter tainted with insanity converse, and reason, and conduct themselves. Let me suppose further that he believed the man whom he destroyed, but whom he destroyed as a potter's vessel, to be the property of another; and that he had malice against such supposed person, and that he meant to injure him, knowing the act he was doing to be malicious and injurious, and that, in short, he had full knowledge of all the principles of good and evil. Yet it would be impossible to convict such a person of murder, if, from the influence of his disease, he was ignorant of the relation he stood in to the man he had destroyed and was utterly unconscious that he had struck at the life of a human being. I only put this case, and many others might be brought as examples to illustrate that the knowledge of good and evil is too general a description.

I really think, however, that the Attorney-General and myself do not, in substance, very materially differ. From the whole of his most able speech, taken together, his meaning may, I think, be thus collected: that where the act which is criminal is done under the dominion of malicious mischief and wicked intention, although such insanity might exist in a corner of the mind as might

avoid the acts of the delinquent as a lunatic in a civil case, yet that he ought not to be protected, if malicious mischief, and not insanity, had impelled him to the act for which he was criminally to answer ; because, in such a case, the act might be justly ascribed to malignant motives, and not to the dominion of disease. I am not disposed to dispute such a proposition in a case which would apply to it, and I can well conceive such cases may exist. The question, therefore, which you will have to try is this : whether, when this unhappy man discharged the pistol in a direction which convinced, and ought to convince, every person that it was pointed at the person of the King, he meditated mischief and violence to his Majesty, or whether he came to the theatre (which it is my purpose to establish) under the dominion of the most melancholy insanity that ever degraded and overpowered the faculties of man. I admit that when he bought the pistol, and the gunpowder to load it, and when he loaded it, and came with it to the theatre, and lastly, when he discharged it, every one of these acts would be overt acts of compassing the King's death, if at all or any of these periods he was actuated by that mind and intention which would have constituted murder in the case of an individual, supposing the individual had been actually killed. I admit, also, that the mischievous

and, in this case, traitorous intention must be inferred from all these acts, unless I can rebut the inferences by proof. If I were to fire a pistol toward you, gentlemen, where you are now sitting, the act would undoubtedly infer the malice. The whole proof, therefore, is undoubtedly cast upon me.

In every case of treason, or murder,— which are precisely the same, except that the unconsummated intention in the case of the King is the same as the actual murder of a private man,— the jury must impute to the person whom they condemn by their verdict the motive which constitutes the crime. And your province to-day will, therefore, be to decide whether the prisoner, when he did the act, was under the uncontrollable dominion of insanity, and was impelled to it by a morbid delusion ; or whether it was the act of a man who, though occasionally mad, or even at the time not perfectly collected, was yet not actuated by the disease, but by the suggestion of a wicked and malignant disposition.

I admit, therefore, freely that if, after you have heard the evidence which I hasten to lay before you of the state of the prisoner's mind, and close up to the very time of this catastrophe, you shall still not feel yourselves clearly justified in negativing the wicked motives imputed by this indictment, I shall leave you in the hands of the

learned judges to declare to you the law of the land, and shall not seek to place society in a state of uncertainty by any appeal addressed only to your compassion. I am appointed by the Court to claim for the prisoner the full protection of the law, but not to misrepresent it in his protection.

Gentlemen, the facts of this melancholy case lie within a narrow compass.

The unfortunate person before you was a soldier. He became so, I believe, in the year 1793, and is now about twenty-nine years of age. He served in Flanders, under the Duke of York, as appears by his Royal Highness's evidence; and, being a most approved soldier, he was one of those singled out as an orderly man to attend upon the person of the Commander-in-Chief. You have been witnesses, gentlemen, to the calmness with which the prisoner has sat in his place during the trial. There was but one exception to it. You saw the emotion which overpowered him when an illustrious person now in court took his seat upon the bench. Can you then believe, from the evidence, —for I do not ask you to judge as physiognomists, or to give the rein to compassionate fancy;— but can there be any doubt that it was the generous emotion of the mind, on seeing the Prince, under whom he had served with so much bravery and honor? Every man, certainly, must judge for himself. I am counsel, not a witness, in the

cause. But it is a most striking circumstance, as you find from the Crown's evidence, that when he was dragged through the orchestra under the stage and charged with an act for which he considered his life as forfeited, he addressed the Duke of York with the same enthusiasm which has marked the demeanor I am adverting to. Mr. Richardson, who showed no disposition in his evidence to help the prisoner, but who spoke with the calmness and circumspection of truth and who had no idea that the person he was examining was a lunatic, has given you the account of the burst of affection on his first seeing the Duke of York, against whose father and sovereign he was supposed to have had the consciousness of treason. The King himself, whom he was supposed to have so malignantly attacked, never had a more gallant, loyal, or suffering soldier. His gallantry and loyalty will be proved ; his sufferings speak for themselves.

About five miles from Lisle, upon the attack made on the British army, this unfortunate soldier was in the Fifteenth Light Dragoons, in the thickest of the ranks, exposing his life for his Prince, whom he is supposed to-day to have sought to murder. The first wound he received is most materially connected with the subject we are considering ; you may see the effect of it now. The point of a sword was impelled against him with

all the force of a man urging his horse in battle. When the Court put the prisoner under my protection, I thought it my duty to bring Mr. Cline to inspect him in Newgate. It will appear by the evidence of that excellent and conscientious person, who is known to be one of the first anatomists in the world, that from this wound one of two things must have happened: either that by the immediate operation of surgery the displaced part of the skull must have been taken away, or been forced inward on the brain. The second stroke also speaks for itself: you may now see its effects. He was cut across all the nerves which give sensibility and animation to the body, and his head hung down almost dissevered, until by the act of surgery it was placed in the position you now see it. But thus, almost destroyed, he still recollected his duty and continued to maintain the glory of his country, when a sword divided the membrane of his neck where it terminates in the head; yet he still kept his place, though his helmet had been thrown off by the blow which I secondly described, when by another sword he was cut into the very brain — you may now see its membrane uncovered. Mr. Cline will tell you that he examined these wounds, and he can better describe them. I have myself seen them, but am no surgeon; from his evidence you will have to consider their consequences. It may be said that

many soldiers receive grievous wounds without their producing insanity. So they may, undoubtedly ; but we are upon the fact. There was a discussion the other day whether a man who had been seemingly hurt by a fall beyond remedy could get up and walk. The people around said it was impossible ; but he did get up and walk, and so there was an end to the impossibility. The effects of the prisoner's wounds were known by the immediate event of insanity, and Mr. Cline will tell you that it would have been strange, indeed, if any other event had followed. We are not here upon a case of insanity arising from the spiritual part of man, as it may be affected by hereditary taint, by intemperance, or by violent passions, the operations of which are various and uncertain ; but we have to deal with a species of insanity more resembling what has been described as idiocy, proceeding from original malorganization. There the disease is, from its very nature, incurable ; and so where a man (like the prisoner) has become insane from violence to the brain which permanently affects its structure, however such a man may appear occasionally to others, his disease is immovable. If the prisoner, therefore, were to live a thousand years, he never could recover from the consequence of that day.

But this is not all. Another blow was still aimed at him, which he held up his arm to avoid,

when his hand was cut into the bone. It is an afflicting subject, gentlemen, and better to be spoken of by those who understand it; and, to end all further description, he was then thrust almost through and through the body with a bayonet, and left in a ditch among the slain.

He was afterward carried to a hospital, where he was known by his tongue to one of his countrymen, who will be examined as a witness, who found him not merely as a wounded soldier deprived of the powers of his body, but bereft of his senses forever.

He was affected from the very beginning with that species of madness which, from violent agitation, fills the mind with the most inconceivable imaginations, wholly unfitting it for all dealing with human affairs, according to the sober estimate and standard of reason. He imagined that he had constant intercourse with the Almighty Author of all things; that the world was coming to a conclusion; and that, like our blessed Savior, he was to sacrifice himself for its salvation. So obstinately did this morbid image continue that you will be convinced he went to the theatre to perform, as he imagined, that blessed sacrifice; and, because he would not be guilty of suicide, though called upon by the imperious voice of Heaven, he wished that by the appearance of crime his life might be taken away from him by others.

This bewildered, extravagant species of madness appeared immediately after his wounds, on his first entering the hospital ; and on the very same account he was discharged from the army on his return to England, which the Attorney-General very honorably and candidly seemed to intimate.

To proceed with the proofs of his insanity down to the very period of his supposed guilt. This unfortunate man before you is the father of an infant of eight months ; and I have no doubt that, if the boy had been brought into court—but this is a grave place for the consideration of justice, and not a theatre for stage effect—I say I have no doubt whatever that, if this poor infant had been brought into court, you would have seen the unhappy father wrung with all the emotions of parental affection. Yet upon the Tuesday preceding the Thursday when he went to the playhouse you will find his disease still urging him forward, with the impression that the time was come when he must be destroyed for the benefit of mankind ; and in the confusion, or, rather, delirium of this wild conception, he came to the bed of the mother, who had this infant in her arms, and endeavored to dash out its brains against the wall. The family was alarmed ; and, the neighbors being called in, the child was, with difficulty, rescued from the unhappy parent, who, in his madness, would have destroyed it.

Now let me for a moment suppose that he had succeeded in the accomplishment of his insane purpose, and the question had been whether he was guilty of murder. Surely, the affection for this infant, up to the very moment of his distracted violence, would have been conclusive in his favor. But not more so than his loyalty to the King and his attachment to the Duke of York, as applicable to the case before us ; yet at that very period, even of extreme distraction, he conversed as rationally on all other subjects as he did with the Duke of York at the theatre. The prisoner knew perfectly that he was the husband of the woman and the father of the child. The tears of affection ran down his face at the very moment that he was about to accomplish its destruction. During the whole of this scene of horror, he was not at all deprived of memory, in the Attorney-General's sense of the expression ; he could have communicated at that moment every circumstance of his past life and everything connected with his present condition, except only the quality of the act he was meditating. In that, he was under the overruling dominion of a morbid imagination, and conceived that he was acting against the dictates of nature in obedience to the superior commands of Heaven, which had told him that the moment he was dead, and the infant with him, all nature was to be changed and all mankind were to be

redeemed by his dissolution. There was not an idea in his mind, from the beginning to the end, of the destruction of the King. On the contrary, he always maintained his loyalty—lamented that he could not go again to fight his battles in the field; and it will be proved that, only a few days before the period in question, being present when a song was sung, indecent, as it regarded the person and condition of his Majesty, he left the room with loud expressions of indignation, and immediately sang "God save the King" with all the enthusiasm of an old soldier who had bled in the service of his country.

I confess to you, gentlemen, that this last circumstance, which may to some appear insignificant, is in my mind most momentous testimony. For if this man had been in the habit of associating with persons inimical to the Government of our country, so that mischief might have been fairly argued to have mixed itself with madness (which, by-the-by, it frequently does); if it could in any way have been collected that, from his disorder, more easily inflamed and worked upon, he had been led away by disaffected persons to become the instrument of wickedness; if it could have been established that such had been his companions and his habits, I should have been ashamed to lift up my voice in his defence. I should have felt that, however his mind might have been weak

and disordered, yet if his understanding sufficiently existed to be methodically acted upon as an instrument of malice, I could not have asked for an acquittal. But you find, on the contrary, in the case before you, that, notwithstanding the opportunity which the Crown has had, and which, upon all such occasions, it justly employs to detect treason, either against the person of the King or against his Government, not one witness has been able to fix upon the prisoner before you any one companion of even a doubtful description, or any one expression from which disloyalty could be inferred, while the whole history of his life repels the imputation. His courage in defence of the King and his dominions, and his affection for his son, in such unanswerable evidence, all speak aloud against the presumption that he went to the theatre with a mischievous intention.

To recur again to the evidence of Mr. Richardson, who delivered most honorable and impartial testimony. I certainly am obliged to admit that what a prisoner says for himself, when coupled at the very time with an overt act of wickedness, is no evidence whatever to alter the obvious quality of the act he had committed. If, for instance, I, who am now addressing you, had fired the same pistol toward the box of the King, and, having been dragged under the orchestra and secured for criminal justice, I had said that I had no intention

to kill the King, but was weary of my life and meant to be considered as guilty : would any man, who was not himself insane, consider that as a defence ? Certainly not ; because it would be without the whole foundation of the prisoner's previous condition, part of which it is even difficult to apply closely and directly by strict evidence without taking his undoubted insanity into consideration, because it is his unquestionable insanity which alone stamps the effusions of his mind with sincerity and truth.

The idea which had impressed itself, but in most confused images, upon this unfortunate man was that he must be destroyed, but ought not to destroy himself. He once had the idea of firing over the King's carriage in the street ; but then he imagined he should be immediately killed, which was not the mode of propitiation for the world. And as our Savior, before His passion, had gone into the garden to pray, this fallen and afflicted being, after he had taken the infant out of bed to destroy it, returned also to the garden, saying, as he afterward said to the Duke of York, that "all was not over — that a great work was to be finished" ; and there he remained in prayer, the victim of the same melancholy visitation.

Gentlemen, these are the facts, freed from even the possibility of artifice or disguise ; because the testimony to support them will be beyond all

doubt. In contemplating the law of the country and the precedents of its justice to which they must be applied, I find nothing to challenge or question. I approve of them throughout. I subscribe to all that is written by Lord Hale. I agree with all the authorities cited by the Attorney-General from Lord Coke; but, above all, I do most cordially agree in the instance of convictions by which he illustrated them in his able address. I have now lying before me the case of Earl Ferrers; unquestionably there could not be a shadow of doubt, and none appears to have been entertained, of his guilt. I wish, indeed, nothing more than to contrast the two cases; and so far am I from disputing either the principle of that condemnation, or the evidence that was the foundation of it, that I invite you to examine whether any two instances in the whole body of the criminal law are more diametrically opposite to each other than the case of Earl Ferrers and that now before you. Lord Ferrers was divorced from his wife by Act of Parliament; and a person of the name of Johnson, who had been his steward, had taken part with the lady in that proceeding, and had conducted the business in carrying the Act through the two Houses. Lord Ferrers consequently wished to turn him out of a farm which he occupied under him; but, his estate being in trust, Johnson was supported by the trustees in

his possession. There were also some differences respecting coal mines; and, in consequence of both transactions, Lord Ferrers took up the most violent resentment against him. Let me here observe, gentlemen, that this was not a resentment founded upon any illusion, not a resentment forced upon a distempered mind by fallacious images, but depending upon actual circumstances and real facts; and, acting like any other man under the influence of malignant passions, he repeatedly declared that he would be revenged on Mr. Johnson, particularly for the part he had taken in depriving him of a contract respecting the mines.

Now, suppose Lord Ferrers could have shown that no difference with Mr. Johnson had ever existed regarding his wife at all — that Mr. Johnson had never been his steward — and that he had only, from delusion, believed so when his situation in life was quite different. Suppose, further, that an illusive imagination had alone suggested to him that he had been thwarted by Johnson in his contract for these coal mines, there never having been any contract at all for coal mines — in short, that the whole basis of his enmity was without any foundation in nature, and had been shown to have been a morbid image imperiously fastened upon his mind. Such a case as that would have exhibited a character of insanity in

Lord Ferrers extremely different from that in which it was presented by the evidence to his peers. Before them, he only appeared as a man of turbulent passions, whose mind was disturbed by no fallacious images of things without existence; whose quarrel with Johnson was founded upon no illusions, but upon existing facts; whose resentment proceeded to the fatal consummation with all the ordinary indications of mischief and malice; and who conducted his own defence with the greatest dexterity and skill. Who, then, could doubt that Lord Ferrers was a murderer? When the act was done, he said, "I am glad I have done it. He was a villain, and I am revenged." But when he afterward saw that the wound was probably mortal, and that it involved consequences fatal to himself, he desired the surgeon to take all possible care of his patient; and, conscious of his crime, kept at bay the men who came with arms to arrest him; showing, from the beginning to the end, nothing that does not generally accompany the crime for which he was condemned. He was proved, to be sure, to be a man subject to unreasonable prejudices, addicted to absurd practices, and agitated by violent passions. But the act was not done under the dominion of uncontrollable disease; and whether the mischief and malice were substantive, or marked in the mind of a man whose passions bordered

upon, or even amounted to insanity, it did not convince the Lords that, under all the circumstances of the case, he was not a fit object of criminal justice.

In the same manner, Arnold, who shot at Lord Onslow and who was tried at Kingston soon after the Black Act passed on the accession of George I. Lord Onslow having been very vigilant as a magistrate in suppressing clubs which were supposed to be set on foot to disturb the new Government, Arnold had frequently been heard to declare that Lord Onslow would ruin his country ; and although he appeared from the evidence to be a man of most wild and turbulent manners, yet the people round Guilford who knew him did not, in general, consider him to be insane. His counsel could not show that any morbid delusion had ever overshadowed his understanding. They could not show, as I shall, that just before he shot at Lord Onslow he had endeavored to destroy his own beloved child. It was a case of human resentment.

I might instance, also, the case of Oliver, who was indicted for the murder of Mr. Wood, a potter, in Staffordshire. Mr. Wood had refused his daughter to this man in marriage. My friend Mr. Milles was counsel for him at the assizes. He had been employed as a surgeon and apothecary by the father, who forbade him his house and

desired him to bring in his bill for payment; when, in the agony of disappointment, and brooding over the injury he had suffered, on his being admitted to Mr. Wood to receive payment he shot him upon the spot. The trial occupied great part of the day; yet, for my own part, I cannot conceive that there was anything in the case for a jury to deliberate on. He was a man acting upon existing facts and upon human resentments connected with them. He was at the very time carrying on his business, which required learning and reflection, and, indeed, a reach of mind beyond the ordinary standard, being trusted by all who knew him as a practitioner in medicine. Neither did he go to Mr. Wood's under the influence of illusion; but he went to destroy the life of a man who was placed exactly in the circumstances which the mind of the criminal represented him. He went to execute vengeance on him for refusing his daughter. In such a case there might, no doubt, be passion approaching to frenzy; but there wanted that characteristic of madness to emancipate him from criminal justice.

There was another instance of this description in the case of a most unhappy woman, who was tried in Essex for the murder of Mr. Errington, who had seduced and abandoned her and the children she had borne to him. It must be a consolation to those who prosecuted her that she

was acquitted, as she is at this time in a most undoubted and deplorable state of insanity. But I confess, if I had been upon the jury who tried her, I should have entertained great doubts and difficulties; for, although the unhappy woman had before exhibited strong marks of insanity, arising from grief and disappointment, yet she acted upon facts and circumstances which had an existence, and which were calculated, upon the ordinary principles of human action, to produce the most violent resentment. Mr. Errington having just cast her off and married another woman, or taken her under his protection, her jealousy was excited to such a pitch as occasionally to overpower her understanding; but when she went to Mr. Errington's house, where she shot him, she went with the express and deliberate purpose of shooting him. That fact was unquestionable. She went there with a resentment long rankling in her bosom, bottomed on an existing foundation. She did not act under a delusion that he had deserted her when he had not, but took revenge upon him for an actual desertion. But still the jury, in the humane consideration of her sufferings, pronounced the insanity to be predominant over resentment, and they acquitted her.

But let me suppose (which would liken it to the case before us) that she had never cohabited with Mr. Errington; that she never had had children

by him ; and, consequently, that he neither had, nor could possibly have, deserted or injured her. Let me suppose, in short, that she had never seen him in her life, but that her resentment had been founded on the morbid delusion that Mr. Errington, who had never seen her, had been the author of all her wrongs and sorrows ; and that, under that diseased impression, she had shot him. If that had been the case, gentlemen, she would have been acquitted upon the opening, and no judge would have sat to try such a cause. The act itself would have been decisively characteristic of madness, because, being founded upon nothing existing, it could not have proceeded from malice, which the law requires to be charged and proved in every case of murder as the foundation of a conviction.

Let us now recur to the cause we are engaged in, and examine it upon those principles by which I am ready to stand or fall, in the judgment of the Court. You have a man before you who will appear upon the evidence to have received those almost deadly wounds which I described to you, producing the immediate and immovable effects which the eminent surgeon whose name I have mentioned will prove that they could not but have produced. It will appear that from that period he was visited by the severest paroxysms of madness, and was repeatedly confined with all

the coercion which it is necessary to practice upon lunatics ; yet, what is quite decisive against the imputation of treason against the person of the King, his loyalty never forsook him. Sane or insane, it was his very characteristic to love his Sovereign and his country, although the delusions which distracted him were sometimes, in other respects, as contradictory as they were violent.

Of this inconsistency there was a most striking instance on only the Tuesday before the Thursday in question, when it will be proved that he went to see one Truelet, who had been committed by the Duke of Portland as a lunatic. This man had taken up an idea that our Savior's second advent, and the dissolution of all human beings, were at hand, and conversed in this strain of madness. This mixing itself with the insane delusion of the prisoner, he immediately broke out upon the subject of his own propitiation and sacrifice for mankind, although only the day before he had exclaimed that the Virgin Mary was a whore ; that Christ was a bastard ; that God was a thief ; and that he and this Truelet were to live with Him at White Conduit House, and there to be enthroned together. His mind, in short, was overpowered and overwhelmed with distraction.

The charge against the prisoner is the overt act of compassing the death of the King in firing a pistol at his Majesty — an act which only differs

from murder inasmuch as the bare compassing is equal to the accomplishment of the malignant purpose ; and it will be your office, under the advice of the Judge, to decide by your verdict to which of the two impulses of the mind you refer the act in question. You will have to decide whether you attribute it wholly to mischief and malice, or wholly to insanity, or to the one mixing itself with the other. If you find it attributable to mischief and malice only, let the man die. The law demands his death for the public safety. If you consider it as conscious malice and mischief mixing itself with insanity, I leave him in the hands of the Court to say how he is to be dealt with ; it is a question too difficult for me. I do not stand here to disturb the order of society, or to bring confusion upon my country. But if you find that the act was committed wholly under the dominion of insanity ; if you are satisfied that he went to the theatre contemplating his own destruction only ; and that, when he fired the pistol, he did not maliciously aim at the person of the King — you will then be bound, even upon the principle which the Attorney-General himself humanely and honorably stated to you, to acquit this most unhappy prisoner.

If, in bringing these considerations hereafter to the standard of the evidence, any doubts should occur to you on the subject, the question for your

decision will then be which of the two alternatives is the most probable — a duty which you will perform in the exercise of that reason of which, for wise purposes, it has pleased God to deprive the unfortunate man whom you are trying. Your sound understandings will easily enable you to distinguish infirmities, which are misfortunes, from motives, which are crimes. Before the day ends, the evidence will be decisive upon this subject.

There is, however, another consideration, which I ought distinctly to present to you, because I think that more turns upon it than any other view of the subject: namely, whether the prisoner's defence can be impeached for artifice or fraud. I admit that if, at the moment when he was apprehended, there can be fairly imputed to him any pretence or counterfeit of insanity, it would taint the whole case and leave him without protection. But for such a suspicion there is not even a shadow of foundation. It is repelled by the whole history and character of his disease, as well as of his life independent of it. If you were trying a man under the Black Act for shooting at another, and there was a doubt upon the question of malice, would it not be important, or rather decisive evidence that the prisoner had no resentment against the prosecutor, but that, on the contrary, he was a man whom he had always loved and served?

Now the prisoner was maimed, cut down, and destroyed, in the service of the King.

Gentlemen, another reflection presses very strongly on my mind, which I find it difficult to suppress. In every State there are political differences and parties and individuals disaffected to the system of government under which they live as subjects. There are not many such, I trust, in this country. But whether there are many or any of such persons, there is one circumstance which has peculiarly distinguished his Majesty's life and reign, and which is in itself as a host in the prisoner's defence, since, amid all the treasons and all the seditions which have been charged on reformers of government as conspiracies to disturb it, no hand or voice has been lifted up against the person of the King. There have, indeed, been unhappy lunatics who, from ideas too often mixing themselves with insanity, have intruded themselves into the palace; but no malicious attack has ever been made upon the King to be settled by a trial. His Majesty's character and conduct have been a safer shield than guards, or than laws. Gentlemen, I wish to continue to that sacred life that best of all securities. I seek to continue it under that protection where it has been so long protected. We are not to do evil that good may come of it; we are not to stretch the laws to hedge round the life of the King with a greater security than that

which the Divine providence has so happily realized.

Perhaps there is no principle of religion more strongly inculcated by the sacred Scriptures than that beautiful and encouraging lesson of our Savior Himself upon confidence in the Divine protection: "Take no heed for your life, what ye shall eat, or what ye shall drink, or wherewithal ye shall be clothed; but seek ye first the kingdom of God, and all these things shall be added unto you." By which it is undoubtedly not intended that we are to disregard the conservation of life or to neglect the means necessary for its sustentation, or that we are to be careless of whatever may contribute to our comfort and happiness; but that we should be contented to receive them as they are given to us, and not seek them in the violation of the rule and order appointed for the government of the world. On this principle, nothing can more tend to the security of his Majesty and his government than the scene which this day exhibits in the calm, humane, and impartial administration of justice; and if in my part of this solemn duty I have in any manner trespassed upon the just security provided for the public happiness, I wish to be corrected. I declare to you solemnly that my only aim has been to secure for the prisoner at the bar, whose life and death are in the balance, that he should be judged rigidly by the evidence and the law. I

have made no appeal to your passions—you have no right to exercise them. This is not even a case in which, if the prisoner be found guilty, the royal mercy should be counselled to interfere. He is either an accountable being, or not accountable. If he was unconscious of the mischief he was engaged in, the law is a corollary, and he is not guilty. But if, when the evidence closes, you think he was conscious, and maliciously meditated the treason he is charged with, it is impossible to conceive a crime more vile and detestable; and I should consider the King's life to be ill attended to, indeed, if not protected by the full vigor of the laws, which are watchful over the security of the meanest of his subjects. It is a most important consideration, both as it regards the prisoner and the community of which he is a member. Gentlemen, I leave it with you.

GEORGE CANNING

George Canning, celebrated alike as statesman and orator, was born in London in 1770. When he was eight years old he was taken into the household of a wealthy uncle, where he was brought into the society of such men as Burke, Fox, Sheridan, and other leading men. He was educated at Eton and Oxford, and distinguished himself at both schools. In 1793, through the influence of Pitt, Canning was returned to Parliament as member for the borough of Newport, and at once ardently and ably espoused the cause of which Pitt was the leader. He proved himself a great debater, even in the galaxy of that time, but was somewhat tainted with blind partisanship. In 1807 he was given the position of Secretary of Foreign Affairs, and in this office showed wonderful executive ability. An unfortunate dispute with Lord Castlereagh in 1809, terminating in a duel, compelled the resignation of both parties, and Canning did not again become prominent in matters of government until 1822, when he became head of the Foreign Office. He signalized his return to power by his fearless assertions of the universal right of self-government, and by decidedly opposing the projected invasion of Portugal by Spain in 1826—an opposition which was at once effectual. His speeches on these topics caused him to be hailed as the champion of popular rights, and when, in 1827, he became nominally as well as virtually Premier, much was expected from him. But his health gave way, and he died in August of that year. He was buried in Westminster Abbey by the side of Pitt, whose disciple he had always been.

Canning was richly endowed as an orator, being possessed of a handsome person, a musical voice, great command of language, and a pleasant and ready wit. He was at his best in debate, quick to take advantage of the errors of an adversary, masterly in marshalling to best advantage his own forces

of fact and argument. He eschewed affectation, though his imagery was frequent and rich, and he was always pure and literary in his language. His greatest fault lay in the frequent overloading of his arguments by too great brilliancy of diction, whereby he often prevented recognition of their cogency and plausibility.

Stapleton's *Life of Canning* is the best and most reliable. See also sketch by Sir James Mackintosh.

ON THE POLICY OF GRANTING AID TO PORTUGAL

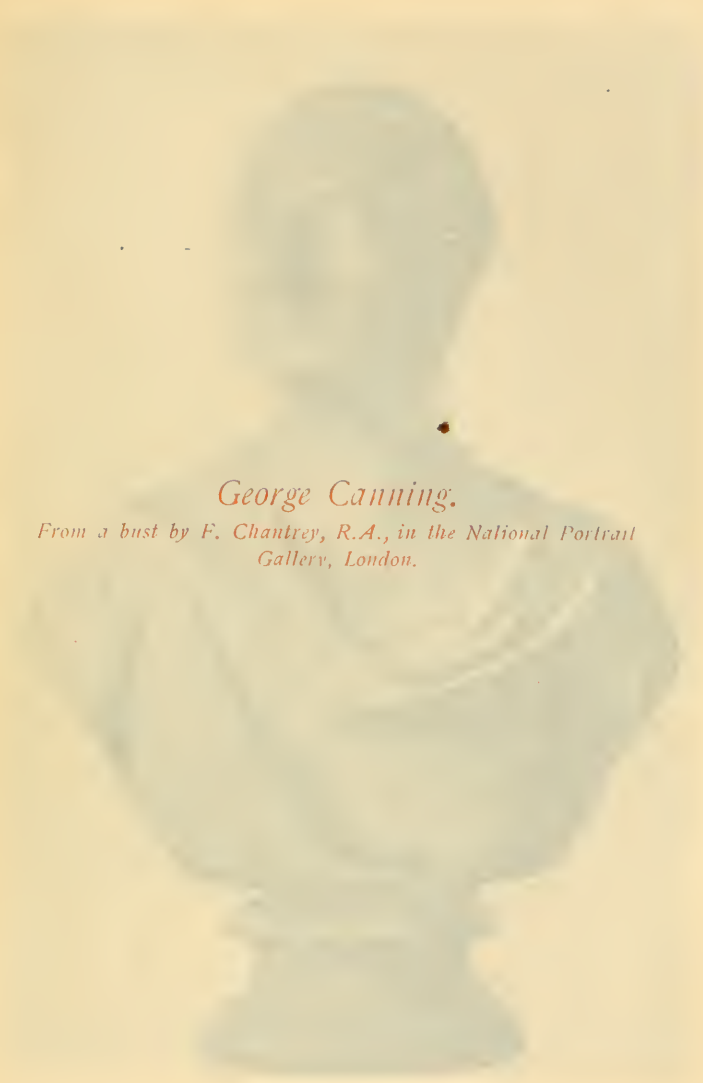
Canning.

The attempt, in 1826, by a number of Portuguese Absolutists, with the aid of Spain, to overthrow the ruling Government of Portugal called forth vigorous measures on the part of Canning, then Minister of Foreign Affairs. At the request of the Government of Portugal for aid, he promptly sent five thousand troops to Lisbon, and the act was effectual in preventing further attempts. His speech in setting forth his reasons for the measure is justly regarded as his greatest effort.

MR. SPEAKER : In proposing to the House of Commons to acknowledge, by an humble and dutiful Address, his Majesty's most gracious message, and to reply to it in terms which will be in effect an echo of the sentiments and a fulfilment of the anticipations of that message, I feel that, however confident I may be in the justice and however clear as to the policy of the measures therein announced, it becomes me, as a British Minister recommending to Parliament any step which may approximate this country even to the hazard of a war, while I explain the grounds of that proposal, to accompany my explanation with expressions of regret.

I can assure the House that there is not within its walls any set of men more deeply convinced than his Majesty's ministers—not any individual more intimately persuaded than he who has the honor of addressing you—of the vital importance of the continuance of peace to this country and to the world. So strongly am I impressed with this opinion—and for reasons of which I will put the House more fully in the possession before I sit down—that I declare there is no question of doubtful or controverted policy, no opportunity of present national advantage, no precaution against remote difficulty, which I would not gladly compromise, pass over, or adjourn, rather than call on Parliament to sanction, at this moment, any measure which had a tendency to involve the country in war. But at the same time, Sir, I feel that which has been felt, in the best times of English history, by the best statesmen of this country and by the Parliaments by whom those statesmen were supported—I feel that there are two causes, and but two causes, which cannot be either compromised, passed over, or adjourned. These causes are adherence to the national faith and regard for the national honor.

Sir, if I did not consider both these causes as involved in the proposition which I have this day to make known to you, I should not address the House, as I now do, in the full and entire confi-



George Canning.

From a bust by F. Chantrey, R.A., in the National Portrait Gallery, London.

dence that the gracious communication of his Majesty will be met by the House with the concurrence of which his Majesty has declared his expectation.

In order to bring the matter which I have to submit to you under the cognizance of the House in the shortest and clearest manner, I beg leave to state it, in the first instance, divested of any collateral considerations. It is a case of law and fact: of national law on the one hand, and of notorious fact on the other; such as it must be, in my opinion, as impossible for Parliament as it was for the Government to regard in any but one light, or to come to any but one conclusion upon it.

Among the alliances by which, at different periods of our history, this country has been connected with the other nations of Europe, none is so ancient in origin and so precise in obligation — none has continued so long, and been observed so faithfully—of none is the memory so intimately interwoven with the most brilliant records of our triumphs, as that by which Great Britain is connected with Portugal. It dates back to distant centuries; it has survived an endless variety of fortunes. Anterior in existence to the accession of the House of Braganza to the throne of Portugal, it derived, however, fresh vigor from that event; and never, from that epoch to the present hour, has the independent monarchy of Portugal

ceased to be nurtured by the friendship of Great Britain. This alliance has never been seriously interrupted ; but it has been renewed by repeated sanctions. It has been maintained under difficulties by which the fidelity of other alliances was shaken, and has been vindicated in fields of blood and of glory.

That the alliance with Portugal has been always unqualifiedly advantageous to this country—that it has not been sometimes inconvenient and sometimes burdensome—I am not bound nor prepared to maintain. But no British statesman, so far as I know, has ever suggested the expediency of shaking it off ; and it is assuredly not at a moment of need that honor and what I may be allowed to call national sympathy would permit us to weigh with an overscrupulous exactness the amount of difficulties and dangers attendant upon its faithful and steadfast observance. What feelings of national honor would forbid is forbidden alike by the plain dictates of national faith.

It is not at distant periods of history and in bygone ages only that the traces of the union between Great Britain and Portugal are to be found. In the last compact of modern Europe, the compact which forms the basis of its present international law—I mean the treaty of Vienna of 1815—this country, with its eyes open to the possible inconveniences of the connection, but with a memory awake to

its past benefits, solemnly renewed the previously existing obligations of alliance and amity with Portugal. I will take leave to read to the House the third article of the treaty concluded at Vienna, in 1815, between Great Britain on the one hand and Portugal on the other. It is couched in the following terms: "The Treaty of Alliance concluded at Rio de Janeiro, on the 19th of February, 1810, being founded on circumstances of a temporary nature, which have happily ceased to exist, the said treaty is hereby declared to be void in all its parts, and of no effect; without prejudice, however, to the ancient treaties of alliance, friendship, and guarantee, which have so long and so happily subsisted between the two Crowns, and which are hereby renewed by the high contracting parties, and acknowledged to be of full force and effect."

In order to appreciate the force of this stipulation—recent in point of time, recent, also, in the sanction of Parliament—the House will, perhaps, allow me to explain shortly the circumstances in reference to which it was contracted. In the year 1807, when, upon the declaration of Bonaparte that the House of Braganza had ceased to reign, the King of Portugal, by the advice of Great Britain, was induced to set sail for the Brazils; almost at the very moment of his most faithful Majesty's embarkation, a secret convention was

signed between his Majesty and the King of Portugal, stipulating that, in the event of his most faithful Majesty's establishing the seat of his government in Brazil, Great Britain would never acknowledge any other dynasty than that of the House of Braganza on the throne of Portugal. That convention, I say, was contemporaneous with the migration to the Brazils ; a step of great importance at the time, as removing from the grasp of Bonaparte the sovereign family of Braganza. Afterward, in the year 1810, when the seat of the King of Portugal's government was established at Rio de Janeiro, and when it seemed probable, in the then apparently hopeless condition of the affairs of Europe, that it was likely long to continue there, the secret convention of 1807, of which the main object was accomplished by the fact of the emigration to Brazil, was abrogated, and a new and public treaty was concluded, into which was transferred the stipulation of 1807, binding Great Britain, so long as his faithful Majesty should be compelled to reside in Brazil, not to acknowledge any other sovereign of Portugal than a member of the House of Braganza. That stipulation, which had hitherto been secret, thus became patent, and part of the known law of nations.

In the year 1814, in consequence of the happy conclusion of the war, the option was afforded to the King of Portugal of returning to his European

dominions. It was then felt that, as the necessity of his most faithful Majesty's absence from Portugal had ceased, the ground for the obligation originally contracted in the secret convention of 1807 and afterward transferred to the patent treaty of 1810 was removed. The treaty of 1810 was, therefore, annulled at the Congress of Vienna ; and in lieu of the stipulation not to acknowledge any other sovereign of Portugal than a member of the House of Braganza was substituted that which I have just read to the House.

Annulling the treaty of 1810, the treaty of Vienna renews and confirms (as the House will have seen) all former treaties between Great Britain and Portugal, describing them as "ancient treaties of alliance, friendship, and guaranty" ; as having "long and happily subsisted between the two Crowns" ; and as being allowed, by the two high contracting parties, to remain "in full force and effect."

What, then, is the force, what is the effect of those ancient treaties ? I am prepared to show to the House what it is. But before I do so, I must say that if all the treaties to which this article of the treaty of Vienna refers had perished by some convulsion of nature, or had by some extraordinary accident been consigned to total oblivion, still it would be impossible not to admit, as an incontestable inference from this article of the

treaty of Vienna alone, that, in a moral point of view, there is incumbent on Great Britain a decided obligation to act as the effectual defender of Portugal. If I could not show the letter of a single antecedent stipulation, I should still contend that a solemn admission, only ten years old, of the existence at that time of "treaties of alliance, friendship, and guaranty" held Great Britain to the discharge of the obligations which that very description implies. But fortunately there is no such difficulty in specifying the nature of those obligations. All of the preceding treaties exist; all of them are of easy reference; all of them are known to this country, to Spain, to every nation of the civilized world. They are so numerous, and their general result is so uniform, that it may be sufficient to select only two of them to show the nature of all.

The first to which I shall advert is the treaty of 1661, which was concluded at the time of the marriage of Charles the Second with the Infanta of Portugal. After reciting the marriage, and making over to Great Britain, in consequence of that marriage, first, a considerable sum of money, and, secondly, several important places, some of which, as Tangier, we no longer possess, but others of which, as Bombay, still belong to this country, the treaty runs thus: "In consideration of all which grants, so much to the benefit of the

King of Great Britain and his subjects in general, and of the delivery of those important places to his said Majesty and his heirs forever, etc., the King of Great Britain does profess and declare, with the consent and advice of his council, that he will take the interest of Portugal and all its dominions to heart, defending the same with his utmost power by sea and land, even as England itself"; and it then proceeds to specify the succors to be sent and the manner of sending them.

I come next to the treaty of 1703, a treaty of alliance contemporaneous with the Methuen treaty, which has regulated for upward of a century the commercial relations of the two countries. The treaty of 1703 was a tripartite engagement between the States-General of Holland, England, and Portugal. The second article of that treaty sets forth that "If ever it shall happen that the Kings of Spain and France, either the present or the future, that both of them together, or either of them separately, shall make war, or give occasion to suspect that they intend to make war upon the kingdom of Portugal, either on the continent of Europe or on its dominions beyond the seas, her Majesty the Queen of Great Britain and the Lords the States-General shall use their friendly offices with the said Kings, or either of them, to observe the terms of peace toward Portugal and not to

make war upon it." The third article declares that "In the event of these good offices not proving successful, but altogether ineffectual, so that war should be made by the aforesaid Kings, or by either of them, upon Portugal, the above mentioned powers of Great Britain and Holland shall make war with all their force upon the aforesaid Kings or King who shall carry hostile arms into Portugal; and toward that war, which shall be carried on in Europe, they shall supply twelve thousand men, whom they shall arm and pay, as well when in quarters as in action; and the said high allies shall be obliged to keep that number of men complete, by recruiting it from time to time at their own expense."

I am aware, indeed, that with respect to either of the treaties which I have quoted it is possible to raise a question — whether variation of circumstances or change of times may not have somewhat relaxed its obligations. The treaty of 1661, it might be said, was so loose and prodigal in the wording — it is so unreasonable, so wholly out of nature, that any one country should be expected to defend another, "even as itself" — such stipulations are of so exaggerated a character, as to resemble effusions of feelings, rather than enunciations of deliberate compact. Again, with respect to the treaty of 1703, if the case rested on that treaty alone, a question might be raised whether

or not, when one of the contracting parties — Holland — had since so changed her relations with Portugal as to consider her obligations under the treaty of 1703 as obsolete — whether or not, I say, under such circumstances, the obligation on the remaining party be not likewise void. I should not hesitate to answer both these objections in the negative. But, without entering into such a controversy, it is sufficient for me to say that the time and place for taking such objections was at the Congress of Vienna. Then and there it was that, if you indeed considered these treaties as obsolete, you ought frankly and fearlessly to have declared them to be so. But then and there, with your eyes open and in the face of all modern Europe, you proclaimed anew the ancient treaties of alliance, friendship, and guaranty, "so long subsisting between the Crowns of Great Britain and Portugal," as still "acknowledged by Great Britain," and still "of full force and effect." It is not, however, on specific articles alone — it is not so much, perhaps, on either of these ancient treaties, taken separately, as it is on the spirit and understanding of the whole body of treaties, of which the essence is concentrated and preserved in the treaty of Vienna, that we acknowledge in Portugal a right to look to Great Britain as her ally and defender.

This, Sir, being the state, morally and politi-

cally, of our obligation toward Portugal, it is obvious that when Portugal, in apprehension of the coming storm, called on Great Britain for assistance, the only hesitation on our part could be, not whether that assistance was due, supposing the occasion for demanding it to arise, but simply whether that occasion — in other words, whether the *casus fœderis* — had arisen.

I understand, indeed, that in some quarters it has been imputed to his Majesty's ministers that an extraordinary delay intervened between the taking of the determination to give assistance to Portugal and the carrying of that determination into effect. But how stands the fact? On Sunday, the third of this month, we received from the Portuguese ambassador a direct and formal demand of assistance against a hostile aggression from Spain. Our answer was that, although rumors had reached us through France, his Majesty's Government had not that accurate information — that official and precise intelligence of facts — on which they could properly found an application to Parliament. It was only on last Friday night that this precise information arrived. On Saturday his Majesty's confidential servants came to a decision. On Sunday that decision received the sanction of his Majesty. On Monday it was communicated to both Houses of Parliament; and this day, Sir, at the hour in which I have the

honor of addressing you, the troops are on their march for embarkation.

I trust then, Sir, that no unseemly delay is imputable to Government. But undoubtedly, on the other hand, when the claim of Portugal for assistance — a claim clear, indeed, in justice, but at the same time fearfully spreading in its possible consequences,— came before us, it was the duty of his Majesty's Government to do nothing on hearsay. The eventual force of the claim was admitted ; but a thorough knowledge of facts was necessary before the compliance with that claim could be granted. The Government here labored under some disadvantage. The rumors that reached us through Madrid were obviously detorted to answer partial political purposes ; and the intelligence through the press of France, though substantially correct, was in particulars vague and contradictory. A measure of grave and serious moment could never be founded on such authority ; nor could the ministers come down to Parliament until they had a confident assurance that the case which they had to lay before the Legislature was true in all its parts.

But there was another reason which induced a necessary caution. In former instances, when Portugal applied to this country for assistance, the whole power of the State in Portugal was vested in the person of the monarch. The expression of

his wish, the manifestation of his desire, the putting forth of his claim, was sufficient ground for immediate and decisive action on the part of Great Britain, supposing the *casus fœderis* to be made out. But, on this occasion, inquiry was in the first place to be made whether, according to the new Constitution of Portugal, the call upon Great Britain was made with the consent of all the powers and authorities competent to make it, so as to carry with it an assurance of that reception in Portugal for our army which the army of a friend and ally had a right to expect. Before a British soldier should put his foot on Portuguese ground, nay, before he should leave the shores of England, it was our duty to ascertain that the step taken by the Regency of Portugal was taken with the cordial concurrence of the Legislature of that country. It was but this morning that we received intelligence of the proceedings of the Chambers at Lisbon which established the fact of such concurrence. This intelligence is contained in a dispatch from Sir W. A'Court, dated 29th of November, of which I will read an extract to the House: "The day after the news arrived of the entry of the rebels into Portugal, the ministers demanded from the Chambers an extension of power for the executive Government, and the permission to apply for foreign succors, in virtue of ancient treaties, in the event of their being deemed

necessary. The Deputies gave the requisite authority by acclamation ; an equally good spirit was manifested by the Peers, who granted every power that the ministers could possibly require. They even went further, and, rising in a body from their seats, declared their devotion to their country and their readiness to give their personal services, if necessary, to repel any hostile invasion. The Duke de Cadaval, President of the Chamber, was the first to make this declaration ; and the minister who described this to me said it was a movement worthy of the good days of Portugal !"

I have thus incidentally disposed of the supposed imputation of delay in complying with the requisition of the Portuguese Government. The main question, however, is this : was it obligatory upon us to comply with that requisition ? In other words, had the *casus fœderis* arisen ? In our opinion it had. Bands of Portuguese rebels, armed, equipped, and trained in Spain, had crossed the Spanish frontier, carrying terror and devastation into their own country, and proclaiming sometimes the brother of the reigning sovereign of Portugal, sometimes a Spanish princess, and sometimes even Ferdinand of Spain, as the rightful occupant of the Portuguese throne. These rebels crossed the frontier, not at one point only, but at several points ; and it is remarkable that the aggression on which the original application to

Great Britain for succor was founded is not the aggression with reference to which the application has been complied with.

The attack announced by the French newspapers was on the north of Portugal, in the province of Tras-os-Montes; an official account of which has been received by his Majesty's Government only this day. But on Friday an account was received of an invasion in the south of Portugal and of the capture of Villa Vicosa, a town lying on the road from the southern frontier to Lisbon. This new fact established, even more satisfactorily than a mere confirmation of the attack first complained of would have done, the systematic nature of the aggression of Spain against Portugal. One hostile irruption might have been made by some single corps escaping from their quarters—by some body of stragglers, who might have evaded the vigilance of Spanish authorities ; and one such accidental and unconnected act of violence might not have been conclusive evidence of cognizance and design on the part of those authorities ; but when a series of attacks is made along the whole line of a frontier, it is difficult to deny that such multiplied instances of hostility are evidence of concerted aggression.

If a single company of Spanish soldiers had crossed the frontier in hostile array, there could not, it is presumed, be a doubt as to the character

of that invasion. Shall bodies of men, armed, clothed, and regimented by Spain, carry fire and sword into the bosom of her unoffending neighbor, and shall it be pretended that no attack, no invasion has taken place, because, forsooth, these outrages are committed against Portugal by men to whom Portugal had given birth and nurture? What petty quibbling would it be to say that an invasion of Portugal from Spain was not a Spanish invasion, because Spain did not employ her own troops, but hired mercenaries to effect her purpose? And what difference is it, except as an aggravation, that the mercenaries in this instance were natives of Portugal?

I have already stated, and I now repeat, that it never has been the wish or pretension of the British Government to interfere in the internal concerns of the Portuguese nation. Questions of that kind the Portuguese nation must settle among themselves. But if we were to admit that hordes of traitorous refugees from Portugal, with Spanish arms, or arms furnished or restored to them by Spanish authorities, in their hands, might put off their country for one purpose, and put it on again for another — put it off for the purpose of attack, and put it on again for the purpose of impunity — if, I say, we were to admit this juggle, and either pretend to be deceived by it ourselves, or attempt to deceive Portugal, into a belief that there was

nothing of external attack, nothing of foreign hostility, in such a system of aggression — such pretence and attempt would, perhaps, be only ridiculous and contemptible, if they did not acquire a much more serious character from being employed as an excuse for infidelity to ancient friendship, and as a pretext for getting rid of the positive stipulation of treaties.

This, then, is the case which I lay before the House of Commons. Here is, on the one hand, an undoubted pledge of national faith — not taken in a corner — not kept secret between the parties, but publicly recorded among the annals of history, in the face of the world. Here are, on the other hand, undeniable acts of foreign aggression, perpetrated, indeed, principally through the instrumentality of domestic traitors, but supported with foreign means, instigated by foreign councils, and directed to foreign ends. Putting these facts and this pledge together, it is impossible that his Majesty should refuse the call that has been made upon him ; nor can Parliament, I am convinced, refuse to enable his Majesty to fulfil his undoubted obligations. I am willing to rest the whole question of to-night, and to call for the vote of the House of Commons upon this simple case, divested altogether of collateral circumstances ; from which I especially wish to separate it in the minds of those who hear me, and also in the minds

of others to whom what I now say will find its way. If I were to sit down this moment, without adding another word, I have no doubt but that I should have the concurrence of the House in the Address which I mean to propose.

When I state this, it will be obvious to the House that the vote for which I am about to call upon them is a vote for the defence of Portugal, not a vote for war against Spain. I beg the House to keep these two points entirely distinct in their consideration. For the former I think I have said enough. If, in what I have now further to say, I should bear hard upon the Spanish Government, I beg that it may be observed that, unjustifiable as I shall show their conduct to have been — contrary to the law of nations, contrary to the law of good neighborhood, contrary, I might say, to the laws of God and man — with respect to Portugal, still I do not mean to preclude a *locus pœnitentiæ,* a possibility of redress and reparation. It is our duty to fly to the defence of Portugal, be the assailant who he may. And, be it remembered that, in thus fulfilling the stipulation of ancient treaties, of the existence and obligation of which all the world are aware, we, according to the universally admitted construction of the law of nations, neither make war upon that assailant, nor give to that assailant, much less to any other power, just cause of war against ourselves.

Sir, the present situation of Portugal is so anomalous, and the recent years of her history are crowded with events so unusual, that the House will, perhaps, not think that I am unprofitably wasting its time if I take the liberty of calling its attention, shortly and succinctly, to those events and to their influence on the political relations of Europe. It is known that the consequence of the residence of the King of Portugal in Brazil was to raise the latter country from a colonial to a metropolitan condition; and that, from the time when the King began to contemplate his return to Portugal, there grew up in Brazil a desire of independence that threatened dissension, if not something like civil contest, between the European and American dominions of the House of Braganza. It is known also that Great Britain undertook a mediation between Portugal and Brazil, and induced the King to consent to a separation of the two crowns — confirming that of Brazil on the head of his eldest son. The ink with which this agreement was written was scarcely dry, when the unexpected death of the King of Portugal produced a new state of things, which reunited on the same head the two crowns which it had been the policy of England, as well as of Portugal and Brazil, to separate. On that occasion Great Britain and another European court, closely connected with

Brazil, tendered advice to the Emperor of Brazil, now become King of Portugal, which advice it cannot be accurately said that his Imperial Majesty followed, because he had decided for himself before it reached Rio de Janeiro ; but in conformity with which advice, though not in consequence of it, his Imperial Majesty determined to abdicate the crown of Portugal in favor of his eldest daughter. But the Emperor of Brazil had done more. What had not been foreseen — what would have been beyond the province of any foreign power to advise — his Imperial Majesty had accompanied his abdication of the crown of Portugal with the grant of a free constitutional charter for that kingdom.

It has been surmised that this measure, as well as the abdication which it accompanied, was the offspring of our advice. No such thing ; Great Britain did not suggest this measure. It is not her duty nor her practice to offer suggestions for the internal regulation of foreign States. She neither approved nor disapproved of the grant of a constitutional charter to Portugal ; her opinion upon that grant was never required. True it is that the instrument of the constitutional charter was brought to Europe by a gentleman of high trust in the service of the British Government. Sir C. Stuart had gone to Brazil to negotiate the separation between that country and Portugal.

In addition to his character of Plenipotentiary of Great Britain, as the mediating power, he had also been invested by the King of Portugal with the character of his most faithful Majesty's Plenipotentiary for the negotiation of Brazil. That negotiation had been brought to a happy conclusion ; and therewith the British part of Sir C. Stuart's commission had terminated. But Sir C. Stuart was still resident at Rio de Janeiro, as the Plenipotentiary of the King of Portugal for negotiating commercial arrangements between Portugal and Brazil. In this latter character it was that Sir C. Stuart, on his return to Europe, was requested by the Emperor of Brazil to be the bearer to Portugal of the new constitutional charter. His Majesty's government found no fault with Sir C. Stuart for executing this commission ; but it was immediately felt that, if Sir C. Stuart were allowed to remain at Lisbon, it might appear, in the eyes of Europe, that England was the contriver and imposer of the Portuguese Constitution. Sir C. Stuart was, therefore, directed to return home forthwith, in order that the Constitution, if carried into effect there, might plainly appear to be adopted by the Portuguese nation itself, not forced upon them by English interference.

As to the merits, Sir, of the new Constitution of Portugal, I have neither the intention nor right to offer my opinion. Personally, I may have formed

one : but as an English minister all I have to say is : May God prosper this attempt at the establishment of constitutional liberty in Portugal ! and may that nation be found as fit to enjoy and cherish its new-born privileges, as it has often proved itself capable of discharging its duties among the nations of the world !

I, Sir, am neither the champion nor the critic of the Portuguese Constitution. But it is admitted, on all hands, to have proceeded from a legitimate source — a consideration which has mainly reconciled continental Europe to its establishment ; and to us, as Englishmen, it is recommended by the ready acceptance which it has met with from all orders of the Portuguese people. To that Constitution, therefore, thus unquestioned in its origin, even by those who are most jealous of new institutions — to that Constitution, thus sanctioned in its outset by the glad and grateful acclamations of those who are destined to live under it — to that Constitution, founded on principles, in a great degree, similar to those of our own, though differently modified, it is impossible that Englishmen should not wish well. But it would not be for us to force that Constitution on the people of Portugal, if they were unwilling to receive it, or if any schism should exist among the Portuguese themselves as to its fitness and congeniality to the wants and wishes of the nation. It is no business

of ours to fight its battles. We go to Portugal in the discharge of a sacred obligation, contracted under ancient and modern treaties. When there, nothing shall be done by us to enforce the establishment of the Constitution; but we must take care that nothing shall be done by others to prevent it from being fairly carried into effect. Internally, let the Portuguese settle their own affairs; but with respect to external force, while Great Britain has an arm to raise, it must be raised against the efforts of any power that should attempt forcibly to control the choice and fetter the independence of Portugal.

Has such been the intention of Spain? Whether the proceedings which have lately been practised or permitted in Spain were acts of a Government exercising the usual power of prudence and foresight (without which Government is, for the good of the people which live under it, no Government at all), or whether they were the acts of some secret illegitimate power — of some furious fanatical faction, overriding the counsels of the ostensible Government, defying it in the capital, and disobeying it on the frontiers,— I will not stop to inquire. It is indifferent to Portugal, smarting under her wrongs,— it is indifferent to England, who is called upon to avenge them, — whether the present state of things be the result of the intrigues of a faction, over which, if the

Spanish Government has no control, it ought to assume one as soon as possible; or of local authorities, over whom it has control, and for whose acts it must, therefore, be held responsible. It matters not, I say, from which of these sources the evil has arisen. In either case, Portugal must be protected; and from England that protection is due.

It would be unjust, however, to the Spanish Government to say that it is only among the members of that Government that an unconquerable hatred of liberal institutions exists in Spain. However incredible the phenomena may appear in this country, I am persuaded that a vast majority of the Spanish nation entertain a decided attachment to arbitrary power and a predilection for absolute government. The more liberal institutions of countries in the neighborhood have not yet extended their influence into Spain, nor awakened any sympathy in the mass of the Spanish people. Whether the public authorities of Spain did or did not partake of the national sentiment, there would almost necessarily grow up between Portugal and Spain, under present circumstances, an opposition of feelings which it would not require the authority or the suggestions of the Government to excite and stimulate into action. Without blame, therefore, to the Government of Spain — out of the natural antipathy

between the two neighboring nations — the one prizing its recent freedom, the other hugging its traditionary servitude,— there might arise mutual provocations and reciprocal injuries, which, perhaps, even the most active and vigilant ministry could not altogether restrain. I am inclined to believe that such has been, in part at least, the origin of the differences between Spain and Portugal. That in their progress they should have been adopted, matured, methodized, combined, and brought into perfect action, by some authority more united and more efficient than the mere feeling disseminated through the mass of the community, is certain; but I do believe their origin to have been as much in the real sentiment of the Spanish population as in the opinion or contrivance of the Government itself.

Whether this be or be not the case is precisely the question between us and Spain. If, though partaking in the general feelings of the Spanish nation, the Spanish Government has nevertheless done nothing to embody those feelings and to direct them hostilely against Portugal; if all that has occurred on the frontiers has occurred only because the vigilance of the Spanish Government has been surprised, its confidence betrayed, and its orders neglected; if its engagements have been repeatedly and shamefully violated, not by its own good will, but against its recommendation and desire,

let us see some symptoms of disapprobation, some sign of repentance, some measures indicative of sorrow for the past and of sincerity for the future. In that case, his Majesty's message, to which I propose this night to return an answer of concurrence, will retain the character which I have ascribed to it — that of a measure of defence for Portugal, not a measure of resentment against Spain.

With these explanations and qualifications, let us now proceed to the review of facts. Great desertions took place from the Portuguese army into Spain, and some desertions took place from the Spanish army into Portugal. In the first instance, the Portuguese authorities were taken by surprise ; but in every subsequent instance, where they had an opportunity of exercising a discretion, it is but just to say that they uniformly discouraged the desertions of the Spanish soldiery. There exist between Spain and Portugal specific treaties, stipulating the mutual surrender of deserters. Portugal had, therefore, a right to claim of Spain that every Portuguese deserter should be forthwith sent back. I hardly know whether from its own impulse or in consequence of our advice, the Portuguese Government waived its right under those treaties, very wisely reflecting that it would be highly inconvenient to be placed by the return of their deserters in the difficult alternative of either granting a

dangerous amnesty or ordering numerous executions. The Portuguese Government, therefore, signified to Spain that it would be entirely satisfied if, instead of surrendering the deserters, Spain would restore their arms, horses, and equipments, and, separating the men from their officers, would remove both from the frontiers into the interior of Spain. Solemn engagements were entered into by the Spanish Government to this effect—first with Portugal, next with France, and afterward with England. Those engagements, concluded one day, were violated the next. The deserters, instead of being disarmed and dispersed, were allowed to remain congregated together near the frontiers of Portugal, where they were enrolled, trained, and disciplined for the expedition which they have since undertaken. It is plain that in these proceedings there was perfidy somewhere. It rests with the Spanish Government to show that it was not with them. It rests with the Spanish Government to prove that if its engagements were not fulfilled—if its intentions have been eluded and unexecuted—the fault has not been with the Government, and that it is ready to make every reparation in its power.

I have said that these promises were made to France and to Great Britain as well as to Portugal. I should do a great injustice to France if I were not to add that the representations of that Government

upon this point to the cabinet of Madrid have been as urgent, and alas! as fruitless, as those of Great Britain. Upon the first irruption into the Portuguese territory, the French Government testified its displeasure by instantly recalling its ambassador; and it further directed its chargé d'affaires to signify to his Catholic Majesty that Spain was not to look for any support from France against the consequences of this aggression upon Portugal. I am bound, I repeat, in justice to the French Government, to state that it has exerted itself to the utmost in urging Spain to retrace the steps which she has so unfortunately taken. It is not for me to say whether any more efficient course might have been adopted to give effect to their exhortations; but as to the sincerity and good faith of the exertions made by the Government of France to press Spain to the execution of her engagements I have not the shadow of a doubt, and I confidently reckon upon their continuance.

It will be for Spain, upon knowledge of the step now taken by his Majesty, to consider in what way she will meet it. The earnest hope and wish of his Majesty's Government is that she may meet it in such a manner as to avert any ill consequence to herself from the measure into which we have been driven by the unjust attack upon Portugal.

Sir, I set out with saying that there were reasons which entirely satisfied my judgment that nothing

short of a point of national faith or national honor would justify, at the present moment, any voluntary approximation to the possibility of war. Let me be understood, however, distinctly as not meaning to say that I dread war in a good cause (and in no other way may it be the lot of this country ever to engage !) from a distrust of the strength of the country to commence it or of her resources to maintain it. I dread it, indeed, but upon far other grounds : I dread it from an apprehension of the tremendous consequences which might arise from any hostilities in which we might now be engaged. Some years ago, in the discussion of the negotiations respecting the French war against Spain, I took the liberty of adverting to this topic. I then stated that the position of this country in the present state of the world was one of neutrality, not only between contending nations, but between conflicting principles ; and that it was by neutrality alone that we could maintain that balance, the preservation of which I believed to be essential to the welfare of mankind. I then said that I feared that the next war which should be kindled in Europe would be a war not so much of armies as of opinions. Not four years have elapsed, and behold my apprehension realized ! It is, to be sure, within narrow limits that this war of opinion is at present confined ; but it is a war of opinion that Spain (whether as government or as nation) is now

waging against Portugal; it is a war which has commenced in hatred of the new institutions of Portugal. How long is it reasonable to expect that Portugal will abstain from retaliation? If into that war this country shall be compelled to enter, we shall enter into it with a sincere and anxious desire to mitigate rather than exasperate, and to mingle only in the conflict of arms, not in the more fatal conflict of opinions. But I much fear that this country (however earnestly she may endeavor to avoid it) could not, in such case, avoid seeing ranked under her banners all the restless and dissatisfied of any nation with which she might come in conflict. It is the contemplation of this new power in any future war which excites my most anxious apprehension. It is one thing to have a giant's strength, but it would be another to use it like a giant. The consciousness of such strength is undoubtedly a source of confidence and security; but, in the situation in which this country stands, our business is not to seek opportunities of displaying it, but to content ourselves with letting the professors of violent and exaggerated doctrines on both sides feel that it is not their interest to convert an umpire into an adversary. The situation of England, amid the struggle of political opinions which agitates more or less sensibly different countries of the world, may be compared to that of the Ruler of the Winds, as described by the poet:

"Celsâ sedet Æolus arce,
Sceptra tenens; mollitque animos et temperat iras
Ni faciat, maria ac terras cœlumque profundum
Quippe ferant rapidi secum, verrantque per auras."

The consequence of letting loose the passions at present chained and confined would be to produce a scene of desolation which no man can contemplate without horror; and I should not sleep easy on my couch if I were conscious that I had contributed to precipitate it by a single moment.

This, then, is the reason — a reason very different from fear — the reverse of a conciousness of disability — why I dread the recurrence of hostilities in any part of Europe; why I would bear much, and would forbear long; why I would (as I have said) put up with almost anything that did not touch national faith and national honor, rather than let slip the furies of war, the leash of which we hold in our hands, not knowing whom they may reach, or how far their ravages may be carried. Such is the love of peace which the British Government acknowledges, and such the necessity for peace which the circumstances of the world inculcate. I will push these topics no further.

I return, in conclusion, to the object of the Address. Let us fly to the aid of Portugal, by whomsoever attacked, because it is our duty to do so; and let us cease our interference when that duty ends. We go to Portugal not to rule, not to dic-

tate, not to prescribe constitutions, but to defend and to preserve the independence of an ally. We go to plant the standard of England on the well-known heights of Lisbon. Where that standard is planted, foreign dominion shall not come.

SIR JAMES MACKINTOSH

James Mackintosh was born in Scotland in 1765. In 1780 he entered the college at Aberdeen, having already won fame as a prodigy of scholarship. In 1784 he went to Edinburgh to study medicine, but although he took his degree he was more interested in politics than in the science of healing. In 1788 Mackintosh removed to London, and in 1791 published a pamphlet called *Vindiciæ Gallicæ,* an answer to Burke's *Reflections on the French Revolution.* This work at once won reputation for its author, being highly praised by Burke himself. Mackintosh finally renounced the practice of medicine for that of law, and in 1795 was called to the bar. He soon gained a considerable practice, and in 1804 was created knight. In 1812, after a seven-years' sojourn in Bombay as recorder, he entered Parliament, where he remained until his death in 1832, dying a Privy Councillor. He was a man of broad and liberal principles, untainted by partisanship, and bore with him to the grave the respect alike of friends and foes.

Mackintosh was remarkably fluent and easy as a talker, and was the only Englishman to hold his own in conversation with Madame de Staël. This quality runs through his speeches, which are marked by a graceful ornateness and attention to detail, but are generally overelaborated. When he was excited into earnestness, he was eminently forceful ; but his oratory was usually that of the advocate rather than that of the senator.

Mackintosh's most interesting works are *Vindiciæ Gallicæ, Dissertation on the Progress of Ethical Philosophy,* and the posthumous fragment entitled *The History of the Revolution in England.* The best biography of him is the *Memoirs of Sir James Mackintosh,* edited by his son.

IN THE CASE OF JEAN PELTIER

[Selection.] *Mackintosh.*

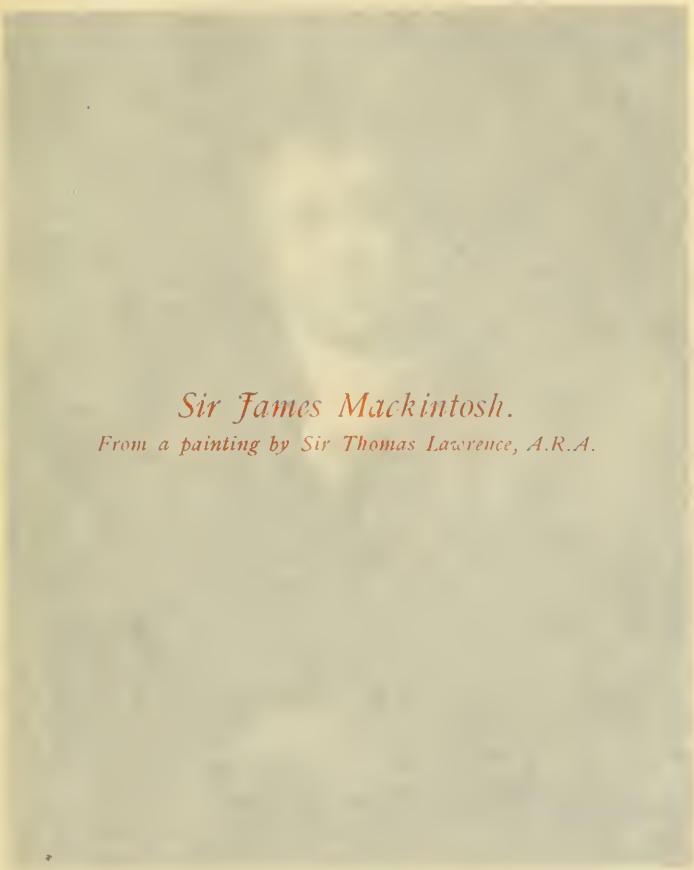
The following speech, which was described by Erskine in a note to Mackintosh as "one of the most splendid monuments of genius, literature, and eloquence," while delivered in behalf of one Jean Peltier, a French *émigré*, was really a plea for the freedom of the press. Peltier was editor of a journal in London, and published what was deemed a libel on Bonaparte, then First Consul. The latter asked that Peltier be prosecuted ; and, as this was precedented in similar cases, the Government could not consistently refuse. Mr. Percival appeared for the Crown, and Mr. Mackintosh for the defence. The former had but little heart for his work, and added nothing to his reputation as a speaker by his plea ; but the latter made one of the noblest appeals for liberty of thought and speech ever heard. He spoke to the nation as much as to the court ; and, while he lost his immediate cause, he gained his ultimate point in establishing a demand for free thought and utterance.

GENTLEMEN of the jury: The time is now come for me to address you in behalf of the unfortunate gentleman who is the defendant on this record.

I must begin with observing that though I know myself too well to ascribe to anything but to the kindness and good nature of my learned friend, the Attorney-General, the unmerited praises which he has been pleased to bestow on me, yet I will venture to say he has done me no more than justice in supposing that in this place, and on this

occasion, where I exercise the functions of an inferior minister of justice,—an inferior minister, indeed, but a minister still,—I am incapable of lending myself to the passions of any client, and that I will not make the proceedings of this court subservient to any political purpose. Whatever is respected by the laws and government of my country shall, in this place, be respected by me. In considering matters that deeply interest the quiet, the safety, and the liberty of all mankind, it is impossible for me not to feel warmly and strongly ; but I shall make an effort to control my feelings, however painful that effort may be, and where I cannot speak out but at the risk of offending either sincerity or prudence, I shall labor to contain myself and be silent.

I cannot but feel, gentlemen, how much I stand in need of your favorable attention and indulgence. The charge which I have to defend is surrounded with the most invidious topics of discussion ; but they are not of my seeking. The case and the topics which are inseparable from it are brought here by the prosecutor. Here I find them, and here it is my duty to deal with them as the interests of Mr. Peltier seem to me to require. He, by his choice and confidence, has cast on me a very arduous duty, which I could not decline, and which I can still less betray. He has a right to expect from me a faithful, a zealous, and a fearless defence ;



Sir James Mackintosh.

From a painting by Sir Thomas Lawrence, A.R.A.

and this his just expectation, according to the measure of my humble ability, shall be fulfilled. I have said a fearless defence. Perhaps that word was unnecessary in the place where I now stand. Intrepidity in the discharge of professional duty is so common a quality at the English bar, that it has, thank God, long ceased to be a matter of boast or praise. If it had been otherwise, gentlemen, if the bar could have been silenced or overawed by power, I may presume to say that an English jury would not this day have been met to administer justice. Perhaps I need scarce say that my defence shall be fearless, in a place where fear never entered any heart but that of a criminal. But you will pardon me for having said so much when you consider who the real parties before you are.

Gentlemen, the real prosecutor is the master of the greatest empire the civilized world ever saw. The defendant is a defenceless, proscribed exile. He is a French Royalist, who fled from his country in the autumn of 1792, at the period of that memorable and awful emigration, when all the proprietors and magistrates of the greatest civilized country in Europe were driven from their homes by the daggers of assassins; when our shores were covered, as with the wreck of a great tempest, with old men, and women, and children, and ministers of religion, who fled from the ferocity of their countrymen as before an army of invading barbarians.

The greatest part of these unfortunate exiles — of those, I mean, who have been spared by the sword, who have survived the effect of pestilential climates or broken hearts — have been since permitted to revisit their country. Though despoiled of their all, they have eagerly embraced even the sad privilege of being suffered to die in their native land.

Even this miserable indulgence was to be purchased by compliances, by declarations of allegiance to the new Government, which some of these suffering Royalists deemed incompatible with their consciences, with their dearest attachments, and their most sacred duties. Among these last is Mr. Peltier. I do not presume to blame those who submitted, and I trust you will not judge harshly of those who refused. You will not think unfavorably of a man who stands before you as the voluntary victim of his loyalty and honor. If a revolution (which God avert !) were to drive us into exile and to cast us on a foreign shore, we should expect, at least, to be pardoned by generous men for stubborn loyalty and unseasonable fidelity to the laws and government of our fathers.

This unfortunate gentleman had devoted a great part of his life to literature. It was the amusement and ornament of his better days. Since his own ruin and the desolation of his country, he has been compelled to employ it as a means of support.

For the last ten years he has been engaged in a variety of publications of considerable importance; but since the peace he has desisted from serious political discussion, and confined himself to the obscure journal which is now before you; the least calculated, surely, of any publication that ever issued from the press to rouse the alarms of the most jealous government; which will not be read in England, because it is not written in our language; which cannot be read in France, because its entry into that country is prohibited by a power whose mandates are not very supinely enforced nor often evaded with impunity; which can have no other object than that of amusing the companions of the author's principles and misfortunes by pleasantries and sarcasm on their victorious enemies. There is, indeed, gentlemen, one remarkable circumstance in this unfortunate publication: it is the only, or almost the only, journal which still dares to espouse the cause of that royal and illustrious family which but fourteen years ago was flattered by every press and guarded by every tribunal in Europe. Even the court in which we are met affords an example of the vicissitudes of their fortunes. My learned friend has reminded you that the last prosecution tried in this place at the instance of a French government was for a libel on that magnanimous princess who has since been butchered in sight of her palace.

I do not make these observations with any purpose of questioning the general principles which have been laid down by my learned friend. I must admit his right to bring before you those who libel any government recognized by his Majesty and at peace with the British Empire. I admit that, whether such a government be of yesterday, or a thousand years old: whether it be a crude and bloody usurpation, or the most ancient, just, and paternal authority upon earth, we are here equally bound, by his Majesty's recognition, to protect it against libellous attacks. I admit that if, during our usurpation, Lord Clarendon had published his *History of Paris,* or the Marquess of Montrose his verses on the murder of his sovereign, or Mr. Cowley his *Discourse on Cromwell's Government,* and if the English ambassador had complained, the President De Moli, or any other of the great magistrates who then adorned the Parliament of Paris, however reluctantly, painfully, and indignantly, might have been compelled to have condemned these illustrious men to the punishment of libellers. I say this only for the sake of bespeaking a favorable attention from your generosity and compassion to what will be feebly urged in behalf of my unfortunate client, who has sacrificed his fortune, his hopes, his connections, his country, to his conscience; who seems marked out for destruction in this his last asylum.

That he will enjoy the security of this asylum, that he has not been sacrificed to the resentment of his powerful enemies, is perhaps owing to the firmness of the King's Government. If that be a fact, gentlemen ; if his Majesty's ministers have resisted applications to expel this unfortunate gentleman from England, I should publicly thank them for their firmness, if it were not unseemly and improper to suppose that they could have acted otherwise—to thank an English government for not violating the most sacred duties of hospitality ; for not bringing indelible disgrace on their country.

But be that as it may, gentlemen, he now comes before you, perfectly satisfied that an English jury is the most refreshing prospect that the eye of accused innocence ever met in a human tribunal ; and he feels with me the most fervent gratitude to the Protector of enterprise that, surrounded as we are with the ruins of principalities and powers, we still continue to meet together, after the manner of our fathers, to administer justice in this, her ancient sanctuary.

There is another point of view in which this case seems to me to merit your most serious attention. I consider it as the first of a long series of conflicts between the greatest power in the world and the only free press remaining in Europe. No man living is more thoroughly convinced than I am that

my learned friend, Mr. Attorney-General, will never degrade his excellent character, that he will never disgrace his high magistracy by mean compliances, by an immoderate and unconscientious exercise of power; yet I am convinced, by circumstances which I shall now abstain from discussing, that I am to consider this as the first of a long series of conflicts between the greatest power in the world and the only free press now remaining in Europe. Gentlemen, this distinction of the English press is new; it is a proud and melancholy distinction. Before the great earthquake of the French Revolution had swallowed up all the asylums of free discussion on the continent, we enjoyed that privilege, indeed, more fully than others; but we did not enjoy it exclusively. In great monarchies, the press has always been considered as too formidable an engine to be intrusted to unlicensed individuals. But in other continental countries, either by the laws of the State or by long habits of liberality and toleration in magistrates, a liberty of discussion has been enjoyed, perhaps sufficient for most useful purposes. It existed, in fact, where it was not protected by law; and the wise and generous connivance of governments was daily more and more secured by the growing civilization of their subjects. In Holland, in Switzerland, in the imperial towns of Germany, the press was either legally or practically free. Holland and

Switzerland are no more; and since the commencement of this prosecution, fifty imperial towns have been erased from the list of independent States by one dash of the pen. Three or four still preserve a precarious and trembling existence. I will not say by what compliances they must purchase its continuance. I will not insult the feebleness of States, whose unmerited fall I do most bitterly deplore.

These governments were in many respects one of the most interesting parts of the ancient system of Europe. Unfortunately for the repose of mankind, great States are compelled, by regard to their own safety, to consider the military spirit and martial habits of their people as one of the main objects of their policy. Frequent hostilities seem almost the necessary condition of their greatness; and, without being great, they cannot long remain safe. Smaller States, exempted from this cruel necessity — a hard condition of greatness, a bitter satire on human nature — devoted themselves to the arts of peace, to the cultivation of literature, and the improvement of reason. They became places of refuge for free and fearless discussion; they were the impartial spectators and judges of the various contests of ambition which from time to time disturbed the quiet of the world. They thus became peculiarly qualified to be the organs of that public opinion which converted Europe

into a great republic, with laws which mitigated, though they could not extinguish, ambition, and with moral tribunals to which even the most despotic sovereigns were amenable. If wars of aggrandizement were undertaken, their authors were arraigned in the face of Europe. If acts of internal tyranny were perpetrated, they resounded from a thousand presses throughout all civilized countries. Princes on whose will there were no legal checks thus found a moral restraint which the most powerful of them could not brave with absolute impunity. They acted before a vast audience, to whose applause or condemnation they could not be utterly indifferent. The very constitution of human nature, the unalterable laws of the mind of man, against which all rebellion is fruitless, subjected the proudest tyrants to this control. No elevation of power, no depravity, however consummate, no innocence, however spotless, can render man wholly independent of the praise or blame of his fellow-men.

These governments were in other respects one of the most beautiful and interesting parts of our ancient system. The perfect security of such inconsiderable and feeble States, their undisturbed tranquillity amid the wars and conquests that surrounded them, attested, beyond any other part of the European system, the moderation, the justice, the civilization to which Christian Europe had

reached in modern times. Their weakness was protected only by the habitual reverence for justice which, during a long series of ages, had grown up in Christendom. This was the only fortification which defended them against those mighty monarchs to whom they offered so easy a prey. And, till the French Revolution, this was sufficient. Consider, for instance, the situation of the Republic of Geneva. Think of her defenceless position, in the very jaws of France; but think also of her undisturbed security, of her profound quiet, of the brilliant success with which she applied to industry and literature, while Louis XIV. was pouring his myriads into Italy before her gates. Call to mind, if ages crowded into years have not effaced them from your memory, that happy period, when we scarcely dreamed more of the subjugation of the feeblest republic of Europe than of the conquest of her mightiest empire; and tell me if you can imagine a spectacle more beautiful to the moral eye, or a more striking proof of the progress in the noblest principles of true civilization.

These feeble States — these monuments of the justice of Europe; the asylum of peace, of industry, and of literature; the organs of public reason; the refuge of oppressed innocence and persecuted truth — have perished with those ancient principles which were their sole guardians and

protectors. They have been swallowed up by that fearful convulsion which has shaken the uttermost corners of the earth. They are destroyed and gone forever.

One asylum of free discussion is still inviolate. There is still one spot in Europe where man can freely exercise his reason on the most important concerns of society, where he can boldly publish his judgment on the acts of the proudest and most powerful tyrants. The press of England is still free. It is guarded by the free constitution of our forefathers. It is guarded by the hearts and arms of Englishmen; and I trust I may venture to say that, if it be to fall, it will fall only under the ruins of the British Empire.

It is an awful consideration, gentlemen. Every other monument of European liberty has perished. That ancient fabric which has been gradually reared by the wisdom and virtue of our fathers still stands. It stands, thanks be to God! solid and entire; but it stands alone, and it stands amid ruins.

In these extraordinary circumstances, I repeat that I must consider this as the first of a long series of conflicts between the greatest power in the world and the only free press remaining in Europe. And I trust you will consider yourselves as the advanced guard of liberty, as having this day to fight the first battle of free discussion

against the most formidable enemy that it ever encountered. You will therefore excuse me, if, on so important an occasion, I remind you at more length than is usual of those general principles of law and policy on this subject which have been handed down to us by our ancestors.

Those who slowly built up the fabric of our laws never attempted anything so absurd as to define, by any precise rule, the obscure and shifting boundaries which divide libel from history or discussion. It is a subject which, from its nature, admits neither rules nor definitions. The same words may be perfectly innocent in one case, and most mischievous and libellous in another. A change of circumstances, often apparently slight, is sufficient to make the whole difference. These changes, which may be as numerous as the variety of human intentions and conditions, can never be foreseen nor comprehended under any legal definitions, and the framers of our law have never attempted to subject them to such definitions. They left such ridiculous attempts to those who call themselves philosophers, but who have, in fact, proved themselves most grossly and stupidly ignorant of that philosophy which is conversant with human affairs.

The principles of the law of England on the subject of political libel are few and simple, and they are necessarily so broad that, without an

habitually mild administration of justice, they might encroach materially on the liberty of political discussion. Every publication which is intended to vilify either our own Government or the Government of any foreign State in amity with this kingdom is, by the law of England, a libel.

To protect political discussion from the danger to which it would be exposed by these wide principles, if they were severely and literally enforced, our ancestors trusted to various securities—some growing out of the law and Constitution, and others arising from the character of those public officers whom the Constitution had formed, and to whom its administration is committed. They trusted, in the first place, to the moderation of the legal officers of the Crown, educated in the maxims and imbued with the spirit of free government; controlled by the superintending power of Parliament, and peculiarly watched in all political prosecutions by the reasonable and wholesome jealousy of their fellow-subjects. And I am bound to admit that, since the glorious era of the Revolution, making due allowance for the frailties, the faults, and the occasional vices of men, they have, upon the whole, not been disappointed. I know that in the hands of my learned friend that trust will never be abused. But, above all, they confided in the moderation and good sense of

juries, popular in their origin, popular in their feelings, popular in their very prejudices, taken from the mass of the people and immediately returning to that mass again. By these checks and temperaments they hoped that they should sufficiently repress malignant libels, without endangering that freedom of inquiry which is the first security of a free State. They knew that the offence of a political libel is of a very peculiar nature, and differing in the most important particulars from all other crimes. In all other cases the most severe execution of the law can only spread terror among the guilty; but in political libels it inspires even the innocent with fear. This striking peculiarity arises from the same circumstances which make it impossible to define the limits of libel and innocent discussion; which make it impossible for a man of the purest and most honorable mind to be always perfectly certain whether he be within the territory of fair argument and honest narrative, or whether he may not have unwittingly overstepped the faint and varying line which bounds them. But, gentlemen, I will go further. This is the only offence where severe and frequent punishments not only intimidate the innocent, but deter men from the most meritorious acts and from rendering the most important services to their country. They indispose and disqualify men for the discharge of the most sacred duties which

they owe to mankind. To inform the public on the conduct of those who administer public affairs requires courage and conscious security. It is always an invidious and obnoxious office; but it is often the most necessary of all public duties. If it is not done boldly, it cannot be done effectually; and it is not from writers trembling under the uplifted scourge that we are to hope for it.

There are other matters, gentlemen, to which I am desirous of particularly calling your attention. These are the circumstances in the condition of this country which have induced our ancestors, at all times, to handle with more than ordinary tenderness that branch of the liberty of discussion which is applied to the conduct of foreign States. The relation of this kingdom to the commonwealths of Europe is so peculiar that no history, I think, furnishes a parallel to it. From the moment in which we abandoned all projects of continental aggrandizement, we could have no interest respecting the state of the Continent but the interests of national safety and of commercial prosperity. The paramount interest of every State —that which comprehends every other — is security. And the security of Great Britain requires nothing on the Continent but the uniform observance of justice. It requires nothing but the inviolability of ancient boundaries and the sacredness of ancient possessions, which, on these sub-

jects, is but another form of words for justice. A nation which is herself shut out from the possibility of continental aggrandizement can have no interest but that of preventing such aggrandizement in others. We can have no interest of safety but the preventing of those encroachments which by their immediate effects or by their example may be dangerous to ourselves. We can have no interest of ambition respecting the Continent. So that neither our real nor even our apparent interests can ever be at variance with justice.

As to commercial prosperity, it is, indeed, a secondary, but it is still a very important branch of our national interests ; and it requires nothing on the Continent of Europe but the maintenance of peace, as far as the paramount interest of security will allow.

Whatever ignorant or prejudiced men may affirm, no war was ever gainful to a commercial nation. Losses may be less in some, and incidental profits may arise in others. But no such profits ever formed an adequate compensation for the waste of capital and industry which all wars must produce. Next to peace, our commercial greatness depends chiefly on the affluence and prosperity of our neighbors. A commercial nation has, indeed, the same interest in the wealth of her neighbors that a tradesman has in the

wealth of his customers. The prosperity of England has been chiefly owing to the general progress of civilized nations in the arts and improvements of social life. Not an acre of land has been brought into cultivation in the wilds of Siberia or on the shores of the Mississippi which has not widened the market for English industry. It is nourished by the progressive prosperity of the world, and it amply repays all that it has received. It can only be employed in spreading civilization and enjoyment over the earth; and, by the unchangeable laws of nature, in spite of the impotent tricks of government, it is now partly applied to revive the industry of those very nations who are loudest in their senseless clamors against its pretended mischiefs. If the blind and barbarous project of destroying English prosperity could be accomplished, it could have no other effect than that of completely beggaring the very countries who now stupidly ascribe their own poverty to our wealth.

Under these circumstances, gentlemen, it became the obvious policy of the kingdom, a policy in unison with the maxims of a free government, to consider with great indulgence even the boldest animadversions of our political writers on the ambitious projects of foreign States.

Bold and sometimes indiscreet as these animadversions might be, they had, at least, the effect of

warning the people of their danger, and of rousing the national indignation against those encroachments which England has almost always been compelled in the end to resist by arms. Seldom indeed has she been allowed to wait till a provident regard to her own safety should compel her to take up arms in defence of others. For as it was said by a great orator of antiquity that no man ever was the enemy of the Republic who had not first declared war against him, so I may say, with truth, that no man ever meditated the subjugation of Europe who did not consider the destruction or the corruption of England as the first condition of his success. If you examine history, you will find that no such project was ever formed in which it was not deemed a necessary preliminary either to detach England from the common cause or to destroy her. It seems as if all the conspirators against the independence of nations might have sufficiently taught other States that England is their natural guardian and protector; that she alone has no interest but their preservation; that her safety is interwoven with their own. When vast projects of aggrandizement are manifested, when schemes of criminal ambition are carried into effect, the day of battle is fast approaching for England. Her free government cannot engage in dangerous wars without the hearty and affectionate support of her people. A State thus situated cannot without the

utmost peril silence those public discussions which are to point the popular indignation against those who must soon be enemies. In domestic dissensions, it may sometimes be the supposed interest of Government to overawe the press. But it never can be even their apparent interest when the danger is purely foreign. A king of England who, in such circumstances, should conspire against the free press of this country would undermine the foundations of his own throne; he would silence the trumpet which is to call his people round his standard.

Our ancestors never thought it their policy to avert the resentment of foreign tyrants by enjoining English writers to contain and repress their just abhorrence of the criminal enterprises of ambition. This great and gallant nation, which has fought in the front of every battle against the oppressors of Europe, has sometimes inspired fear, but, thank God, she has never felt it. We know that they are our real and must soon become our declared foes. We know that there can be no cordial amity between the natural enemies and the independence of nations. We have never adopted the cowardly and short-sighted policy of silencing our press or breaking the spirit and palsying the hearts of our people for the sake of a hollow and precarious truce. We have never been base enough to purchase a short respite from hostilities by sacrificing

the first means of defence—the means of rousing the public spirit of the people and directing it against the enemies of their country and of Europe.

Gentlemen, the public spirit of a people, by which I mean the whole body of those affections which unites men's hearts to the commonwealth, is in various countries composed of various elements, and depends on a great variety of causes. In this country, I may venture to say that it mainly depends on the vigor of the popular parts and principles of our government, and that the spirit of liberty is one of its most important elements. Perhaps it may depend less on those advantages of a free government which are most highly estimated by calm reason than upon those parts of it which delight the imagination and flatter the just and natural pride of mankind. Among these we are certainly not to forget the political rights which are not uniformly withheld from the lowest classes, and the continual appeal made to them in public discussion upon the greatest interests of the State. These are undoubtedly among the circumstances which endear to Englishmen their government and their country, and animate their zeal for that glorious institution which confers on the meanest of them a sort of distinction and nobility unknown to the most illustrious slaves who tremble at the frown of a tyrant. Whoever were unwarily and rashly to abolish or narrow these privileges, which

it must be owned are liable to great abuse and to very specious objections, might perhaps discover too late that he had been dismantling his country. Of whatever elements public spirit is composed, it is always and everywhere the chief defensive principle of a State. It is perfectly distinct from courage. Perhaps no nation, certainly no European nation, ever perished from an inferiority of courage. And undoubtedly no considerable nation was ever subdued in which the public affection was sound and vigorous. It is the public spirit which binds together the dispersed courage of individuals and fastens it to the commonwealth. It is, therefore, as I have said, the chief defensive principle of every country. Of all the stimulants which arouse it into action, the most powerful among us is certainly the press ; and it cannot be restrained or weakened without imminent danger that the national spirit may languish, and that the people may act with less zeal and affection for their country in the hour of its danger.

These principles, gentlemen, are not new—they are genuine old English principles. And though in our days they have been disgraced and abused by ruffians and fanatics, they are in themselves as just and sound as they are liberal ; and they are the only principles on which a free State can be safely governed. These principles I have adopted since I first learned the use of reason, and I think I shall abandon them only with life.

On these principles I am now to call your attention to the libel with which this unfortunate gentleman is charged. I heartily rejoice that I concur with the greatest part of what has been said by my learned friend, Mr. Attorney-General, who has done honor even to his character by the generous and liberal principles which he has laid down. He has told you that he does not mean to attack historical narrative. He has told you that he does not mean to attack political discussion. He has told you, also, that he does not consider every intemperate word into which a writer, fairly engaged in narration or reasoning, might be betrayed as a fit subject for prosecution. The essence of the crime of libel consists in the malignant mind which the publication proves, and from which it flows. A jury must be convinced, before they find a man guilty of libel, that his intention was to libel, not to state facts which he believed to be true or reasoning which he thought just. My learned friend has told you that the liberty of history includes the right of publishing those observations which occur to intelligent men when they consider the affairs of the world; and I think he will not deny that it includes also the right of expressing those sentiments which all good men feel on the contemplation of extraordinary examples of depravity or excellence.

One more privilege of the historian, which the

Attorney-General has not named, but to which his principles extend, it is now my duty to claim on behalf of my client: I mean the right of republishing, historically, those documents, whatever their original malignity may be, which display the character and unfold the intentions of governments, or factions, or individuals. I think my learned friend will not deny that a historical compiler may innocently republish in England the most insolent and outrageous declarations of war ever published against his Majesty by a foreign government. The intention of the original author was to vilify and degrade his Majesty's Government; but the intention of the compiler is only to gratify curiosity, or, perhaps, to rouse just indignation against the calumniator whose production he republishes. His intention is not libellous—his republication is therefore not a libel. Suppose this to be the case with Mr. Peltier. Suppose him to have republished libels with a merely historical intention. In that case it cannot be pretended that he is more a libeller than my learned friend, Mr. Abbott, who read these supposed libels to you when he opened the pleadings. Mr. Abbott republished them to you that you might know and judge of them; Mr. Peltier, on the supposition I have made, also republished them that the public might know and judge of them.

You already know that the general plan of Mr.

Peltier's publication was to give a picture of the cabals and intrigues, of the hopes and projects, of French factions. It is undoubtedly a natural and necessary part of this plan to republish all the serious and ludicrous pieces which these factions circulate against each other. The ode ascribed to Chenier or Ginguené I do really believe to have been written at Paris, to have been circulated there, to have been there attributed to some one of these writers, to have been sent to England as their work, and as such to have been republished by Mr. Peltier. But I am not sure that I have evidence to convince you of the truth of this. Suppose that I have not; will my learned friend say that my client must necessarily be convicted? I, on the contrary, contend that it is for my learned friend to show that it is not an historical republication. Such it professes to be, and that profession it is for him to disprove. The profession may indeed be "a mask"; but it is for my friend to pluck off the mask and expose the libeller, before he calls upon you for a verdict of guilty.

If the general lawfulness of such republications be denied, then I must ask Mr. Attorney-General to account for the long impunity which English newspapers have enjoyed. I must request him to tell you why they have been suffered to republish all the atrocious official and unofficial libels which have been published against his Majesty for the

last ten years by the Brissots, the Marats, the Dantons, the Robespierres, the Barères, the Talliens, the Reubells, the Merlins, the Barreses, and all that long line of bloody tyrants who oppressed their own country and insulted every other which they had not the power to rob. What must be the answer? That the English publishers were either innocent, if their motive was to gratify curiosity, or praiseworthy, if their intention was to rouse indignation against the calumniators of their country. If any other answer be made, I must remind my friend of a most sacred part of his duty —the duty of protecting the honest fame of those who are absent in the service of their country. Within these few days we have seen, in every newspaper in England, a publication, called the "Report of Colonel Sebastiani," in which a gallant British officer is charged with writing letters to procure assassination. The publishers of that infamous report are not, and will not be prosecuted, because their intention is not to libel General Stuart. On any other principle, why have all our newspapers been suffered to circulate that most atrocious of all libels against the King and people of England, which purports to be translated from the *Moniteur* of the ninth of August, 1802—a libel against a Prince who has passed through a factious and stormy reign of forty-three years without a single imputation on his personal character; against

a people who have passed through the severest trials of national virtue with unimpaired glory, who alone in the world can boast of mutinies without murder, of triumphant mobs without massacre, of bloodless revolutions, and of civil wars unstained by a single assassination. That most impudent and malignant libel which charges such a king of such a people not only with having hired assassins, but with being so shameless, so lost to all sense of character, as to have bestowed on these assassins, if their murderous projects had succeeded, the highest badges of public honor, the rewards reserved for statesmen and heroes—the Order of the Garter—the order which was founded by the heroes of Cressy and Poitiers—the Garter which was worn by Henry the Great and by Gustavus Adolphus, which might now be worn by the hero who, on the shores of Syria (the ancient theatre of English chivalry) has revived the renown of English valor and of English humanity—that unsullied Garter which a detestable libeller dares to say is to be paid as the price of murder.

If I had now to defend an English publisher for the republication of that abominable libel, what must I have said in his defence? I must have told you that it was originally published by the French Government in their official gazette; that it was republished by the English editor to gratify the

natural curiosity, perhaps to rouse the just resentment, of his English readers. I should have contended, and, I trust, with success, that his republication of a libel was not libellous; that it was lawful, that it was laudable. All that would be important, at least all that would be essential, in such a defence, I now state to you on behalf of Mr. Peltier; and if an English newspaper may safely republish the libels of the French Government against his Majesty, I shall leave you to judge whether Mr. Peltier, in similar circumstances, may not with equal safety republish the libels of Chenier against the First Consul. On the one hand you have the assurance of Mr. Peltier in the context that this ode is merely a republication; you have also the general plan of his work, with which such a republication is perfectly consistent. On the other hand, you have only the suspicions of Mr. Attorney-General that this ode is an original production of the defendant.

But supposing that you should think it his production, and that you should also think it a libel, even in that event, which I cannot anticipate, I am not left without a defence. The question will still be open, "Is it a libel on Bonaparte, or is it a libel on Chenier or Ginguené?" This is not an information for a libel on Chenier; and if you should think that this ode was produced by Mr. Peltier, and ascribed by him to Chenier for the sake of covering

that writer with the odium of Jacobinism, the defendant is entitled to your verdict of not guilty. Or if you should believe that it is ascribed to Jacobinical writers for the sake of satirizing a French Jacobinical faction, you must also, in that case, acquit him. Butler puts seditious and immoral language into the mouth of rebels and fanatics; but *Hudibras* is not for that reason a libel on morality or government. Swift, in the most exquisite piece of irony in the world (his argument against the abolition of Christianity), used the language of those shallow, atheistical coxcombs whom his satire was intended to scourge. The scheme of his irony required some levity and even some profaneness of language. But nobody was ever so dull as to doubt whether Swift meant to satirize atheism or religion. In the same manner Mr. Peltier, when he wrote a satire on French Jacobinism, was compelled to ascribe to Jacobins a Jacobinical hatred of government. He was obliged by dramatic propriety to put into their mouths those anarchical maxims which are complained of in his ode. But, it will be said, these incitements to insurrection are here directed against the authority of Bonaparte. This proves nothing, because they must have been so directed if the ode were a satire on Jacobinism. French Jacobins must inveigh against Bonaparte, because he exercises the powers of government. The satirist who attacks

them must transcribe their sentiments and adopt their language.

I do not mean to say, gentlemen, that Mr. Peltier feels any affection or professes any allegiance to Bonaparte. If I were to say so, he would disown me. He would disdain to purchase an acquittal by the profession of sentiments which he disclaims and abhors. Not to love Bonaparte is no crime. The question is not whether Mr. Peltier loves or hates the First Consul, but whether he has put revolutionary language into the mouth of Jacobins with a view to paint their incorrigible turbulence and to exhibit the fruits of Jacobinical revolutions to the detestation of mankind.

Now, gentlemen, we cannot give a probable answer to this question without previously examining two or three questions, on which the answer to the first must depend. Is there a faction in France which breathes the spirit, and is likely to employ the language, of this ode? Does it perfectly accord with their character and views? Is it utterly irreconcilable with the feelings, opinions, and wishes of Mr. Peltier? If these questions can be answered in the affirmative, then I think you must agree with me that Mr. Peltier does not in his ode speak his own sentiments, that he does not here vent his own resentment against Bonaparte; but that he personates a Jacobin, and

adopts his language for the sake of satirizing his principles.

These questions, gentlemen, lead me to those political discussions which, generally speaking, are in a court of justice odious and disgusting. Here, however, they are necessary; and I shall consider them only as far as the necessities of this cause require.

Gentlemen, the French Revolution — I must pause after I have uttered those words, which represent such an overwhelming idea. But I have not now to engage in an enterprise so far beyond my force as that of examining and judging that tremendous Revolution. I have only to consider the character of the factions which it must have left behind it.

The French Revolution began with great and fatal errors. These errors produced atrocious crimes. A mild and feeble monarchy was succeeded by bloody anarchy, which very shortly gave birth to military despotism. France, in a few years, described the whole circle of human society.

All this was in the order of nature. When every principle of authority and civil discipline, when every principle which enables some men to command and disposes others to obey, was extirpated from the mind by atrocious theories and still more atrocious examples; when every old institution was trampled down with contumely, and every

new institution covered in its cradle with blood ; when the principle of property itself, the sheet-anchor of society, was annihilated ; when in the persons of the new possessors, whom the poverty of language obliges us to call proprietors, it was contaminated in its source by robbery and murder, and it became separated from that education and those manners, from that general presumption of superior knowledge and more scrupulous probity which form its only liberal titles to respect ; when the people were taught to despise everything old and compelled to detest everything new ;—there remained only one principle strong enough to hold society together, a principle utterly incompatible, indeed, with liberty and unfriendly to civilization itself, a tyrannical and barbarous principle ; but, in that miserable condition of human affairs, a refuge from still more intolerable evils : I mean the principle of military power, which gains strength from that confusion and bloodshed in which all the other elements of society are dissolved, and which, in these terrible extremities, is the cement that preserves it from total destruction.

Under these circumstances, Bonaparte usurped the supreme power of France. I say usurped, because an illegal assumption of power is a usurpation. But usurpation, in its strongest moral sense, is scarcely applicable to a period of lawless and savage anarchy. The guilt of military usurpation,

in truth, belongs to the author of those confusions which sooner or later give birth to such a usurpation.

Thus, to use the words of the historian : " By recent as well as all ancient example, it became evident that illegal violence, with whatever pretences it may be covered, and whatever object it may pursue, must inevitably end at last in the arbitrary and despotic government of a single person." But though the government of Bonaparte has silenced the revolutionary factions, it has not and it cannot have extinguished them. No human power could reimpress upon the minds of men all those sentiments and opinions which the sophistry and anarchy of fourteen years had obliterated. A faction must exist which breathes the spirit of the ode now before you.

It is, I know, not the spirit of the quiet and submissive majority of the French people. They have always rather suffered than acted in the Revolution. Completely exhausted by the calamities through which they have passed, they yield to any power which gives them repose. There is, indeed, a degree of oppression which rouses men to resistance ; but there is another and a greater, which wholly subdues and unmans them. It is remarkable that Robespierre himself was safe till he attacked his own accomplices. The spirit of men of virtue was broken, and there was no vigor of character left to

destroy him but in those daring ruffians who were the sharers of his tyranny.

As for the wretched populace who were made the blind and senseless instrument of so many crimes, whose frenzy can now be reviewed by a good mind with scarce any moral sentiment but that of compassion, that miserable multitude of beings, scarcely human, have already fallen into a brutish forgetfulness of the very atrocities which they themselves perpetrated. They have already forgotten all the acts of their drunken fury. If you ask one of them, Who destroyed that magnificent monument of religion and art? or, Who perpetrated that massacre? they stupidly answer, The Jacobins! though he who gives the answer was probably one of those Jacobins himself; so that a traveller, ignorant of French history, might suppose the Jacobins to be the name of some Tartar horde who, after laying waste France for ten years, were at last expelled by the native inhabitants. They have passed from senseless rage to stupid quiet. Their delirium is followed by lethargy.

In a word, gentlemen, the great body of the people of France have been severely trained in those convulsions and proscriptions which are the school of slavery. They are capable of no mutinous, and even no bold and manly political sentiments. And if this ode professed to paint their opinions, it would be a most unfaithful picture. But it is other-

wise with those who have been the actors and leaders in the scene of blood. · It is otherwise with the numerous agents of the most indefatigable, searching, multiform, and omnipresent tyranny that ever existed, which pervaded every class of society, which had ministers and victims in every village in France.

Some of them, indeed, the basest of the race, the sophists, the rhetors, the poet-laureates of murder, who were cruel only from cowardice and calculating selfishness, are perfectly willing to transfer their venal pens to any government that does not disdain their infamous support. These men, republican from servility, who published rhetorical panegyrics on massacre, and who reduced plunder to a system of ethics, are as ready to preach slavery as anarchy. But the more daring, I had almost said the more respectable ruffians cannot so easily bend their heads under the yoke. These fierce spirits have not lost

> "The unconquerable will,
> And study of revenge, immortal hate."

They leave the luxuries of servitude to the mean and dastardly hypocrites, to the Belials and Mammons of the infernal faction. They pursue their old end of tyranny under their old pretext of liberty. The recollection of their unbounded power renders every inferior condition irksome and vapid; and

their former atrocities form, if I may so speak, a sort of moral destiny which irresistibly impels them to the perpetration of new crimes. They have no place left for penitence on earth. They labor under the most awful proscription of opinion that ever was pronounced against human beings. They have cut down every bridge by which they could retreat into the society of men. Awakened from their dreams of democracy ; the noise subsided that deafened their ears to the voice of humanity ; the film fallen from their eyes which hid from them the blackness of their own deeds ; haunted by the memory of their inexpiable guilt ; condemned daily to look on the faces of those whom their hands made widows and orphans ; — they are goaded and scourged by their real furies, and hurried into the tumult of new crimes, which will drown the cries of remorse, or, if they be too depraved for remorse, will silence the curses of mankind. Tyrannical power is their only refuge from the just vengeance of their fellow-creatures. Murder is their only means of usurping power. They have no taste, no occupation, no pursuit but power and blood. If their hands are tied, they must at least have the luxury of murderous projects. They have drunk too deeply of human blood ever to relinquish their cannibal appetite.

Such a faction exists in France. It is numerous ; it is powerful ; and it has a principle of fidelity

stronger than any that ever held together a society. They are banded together by despair of forgiveness, by the unanimous detestation of mankind. They are now contained by a severe and stern government. But they still meditate the renewal of insurrection and massacre ; and they are prepared to renew the worst and most atrocious of their crimes, that crime against posterity and against human nature itself, that crime of which the latest generation of mankind may feel the fatal consequence — the crime of degrading and prostituting the sacred name of liberty.

I must own that, however paradoxical it may appear, I should almost think, not worse, but more meanly of them if it were otherwise. I must then think them destitute of that which I will not call courage, because that is the name of a virtue ; but of that ferocious energy which alone rescues ruffians from contempt. If they were destitute of that which is the heroism of murderers, they would be the lowest as well as the most abominable of beings.

It is impossible to conceive anything more despicable than wretches who, after hectoring and bullying over their meek and blameless sovereign and his defenceless family, whom they kept so long in a dungeon trembling for their existence, — whom they put to death by a slow torture of three years, — after playing the Republican and the tyrannicide

to women and children, become the supple and fawning slaves of the first government that knows how to wield the scourge with a firm hand.

I have used the word *Republican,* because it is the name by which their atrocious faction describes itself. The assumption of that name is one of their crimes. They are no more Republicans than Royalists. They are the common enemies of all human society. God forbid that by the use of that word I should be supposed to reflect on the members of those respectable Republican communities which did exist in Europe before the French Revolution. That Revolution has spared many monarchies, but it has spared no republic within the sphere of its destructive energy. One republic only now exists in the world — a republic of English blood, which was originally composed of Republican societies under the protection of a monarchy, which had, therefore, no great and perilous change in their internal constitution to effect ; and of which—I speak it with pleasure and pride—the inhabitants, even in the convulsions of a most deplorable separation, displayed the humanity as well as valor which, I trust I may say, they inherited from their forefathers.

Nor do I mean by the use of the word *Republican* to confound this execrable faction with all those who, in the liberty of private speculation, may prefer a republican form of government. I own that, after much reflection, I am not able to

conceive an error more gross than that of those who believe in the possibility of erecting a republic in any of the old monarchical countries of Europe, who believe that in such countries an elective supreme magistracy can produce anything but a succession of stern tyrannies and bloody civil wars. It is a supposition which is belied by all experience, and which betrays the greatest ignorance of the first principles of the constitution of society. It is an error which has a false appearance of superiority over vulgar prejudice ; it is, therefore, too apt to be attended with the most criminal rashness and presumption, and too easy to be inflamed into the most immoral and anti-social fanaticism. But as long as it remains a mere quiescent error, it is not the proper subject of moral disapprobation.

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Here, gentlemen, I think I might stop, if I had only to consider the defence of Mr. Peltier. I trust that you are already convinced of his innocence. I fear I have exhausted your patience, as I am sure I have nearly exhausted my own strength. But so much seems to me to depend on your verdict that I cannot forbear from laying before you some considerations of a more general nature.

Believing, as I do, that we are on the eve of a great struggle : that this is only the first battle between reason and power : that you have now in

your hands, committed to your trust, the only remains of free discussion in Europe, now confined to this kingdom—addressing you, therefore, as the guardians of the most important interests of mankind: convinced that the unfettered exercise of reason depends more on your present verdict than on any other that was ever delivered by a jury: I cannot conclude without bringing before you the sentiments and examples of our ancestors in some of those awful and perilous situations by which divine Providence has in former ages tried the virtue of the English nation. We are fallen upon times in which it behooves us to strengthen our spirits by the contemplation of great examples of constancy. Let us seek for them in the annals of our forefathers.

The reign of Queen Elizabeth may be considered as the opening of the modern history of England, especially in its connection with the modern system of Europe, which began about that time to assume the form that it preserved till the French Revolution. It was a very memorable period, of which the maxims ought to be engraven on the head and heart of every Englishman. Philip II., at the head of the greatest empire then in the world, was openly aiming at universal domination, and his project was so far from being thought chimerical by the wisest of his contemporaries that, in the opinion of the great Duke of Sully, he must

have been successful, "if, by a most singular combination of circumstances, he had not at the same time been resisted by two such strong heads as those of Henry IV. and Queen Elizabeth." To the most extensive and opulent dominions, the most numerous and disciplined armies, the most renowned captains, the greatest revenue, he added also the most formidable power over opinion. He was the chief of a religious faction, animated by the most atrocious fanaticism, prepared to second his ambition by rebellion, anarchy, and regicide in every Protestant state. Elizabeth was among the first objects of his hostility. That wise and magnanimous princess placed herself in the front of the battle for the liberties of Europe. Though she had to contend at home with his fanatical faction, which almost occupied Ireland, which divided Scotland, and was not of a contemptible strength in England, she aided the oppressed inhabitants of the Netherlands in their just and glorious resistance to his tyranny; she aided Henry the Great in suppressing the abominable rebellion which anarchical principles had excited and Spanish arms had supported in France, and, after a long reign of various fortune, in which she preserved her unconquered spirit through great calamities and still greater dangers, she at length broke the strength of the enemy and reduced his power within such limits as to be compatible with the safety of England and

of all Europe. Her only effectual ally was the spirit of her people, and her policy flowed from that magnanimous nature which in the hour of peril teaches better lessons than those of cold reason. Her great heart inspired her with a higher and nobler wisdom, which disdained to appeal to the low and sordid passions of her people even for the protection of their low and sordid interests, because she knew—or, rather, she felt—that these are effeminate, creeping, cowardly, short-sighted passions, which shrink from conflict even in defence of their own mean objects. In a righteous cause, she roused those generous affections of her people which alone teach boldness, constancy, and foresight, and which are therefore the only safe guardians of the lowest as well as the highest interests of a nation. In her memorable address to her army, when the invasion of the kingdom was threatened by Spain, this woman of heroic spirit disdained to speak to them of their ease and their commerce and their wealth and their safety. No! She touched another chord — she spoke of their national honor, of their dignity as Englishmen, of "the foul scorn that Parma or Spain should dare to invade the borders of her realms." She breathed into them those grand and powerful sentiments which exalt vulgar men into heroes, which lead them into the battle of their own country armed with holy and irresistible enthusiasm; which even cover

with their shield all the ignoble interests that base calculation and cowardly selfishness tremble to hazard, but shrink from defending. A sort of prophetic instinct, if I may so speak, seems to have revealed to her the importance of that great instrument for rousing and guiding the minds of men, of the effects of which she had no experience; which, since her time, has changed the condition of the world, but which few modern statesmen have thoroughly understood or wisely employed; which is, no doubt, connected with many ridiculous and degrading details, which has produced, and which may again produce, terrible mischiefs; but of which the influence must, after all, be considered as the most certain effect and the most efficacious cause of civilization, and which, whether it be a blessing or a curse, is the most powerful engine that a politician can move—I mean the press. It is a curious fact that in the year of the Armada Queen Elizabeth caused to be printed the first gazettes that ever appeared in England; and I own—when I consider that this mode of rousing a national spirit was then absolutely unexampled, that she could have no assurance of its efficacy from the precedents of former times—I am disposed to regard her having recourse to it as one of the most sagacious experiments, one of the greatest discoveries of political genius, one of the most striking anticipations of future experience that we

find in history. I mention it to you to justify the opinion that I have ventured to state of the close connection of our national spirit with our press, even our periodical press. I cannot quit the reign of Elizabeth without laying before you the maxims of her policy, in the language of the greatest and wisest of men. Lord Bacon, in one part of his discourse on her reign, speaks thus of her support of Holland: "But let me rest upon the honorable and continual aid and relief she hath given to the distressed and desolate people of the Low Countries—a people recommended unto her by ancient confederacy and daily intercourse, by their cause so innocent and their fortune so lamentable!" In another passage of the same discourse, he thus speaks of the general system of her foreign policy as the protector of Europe, in words too remarkable to require any commentary: "Then it is her government, and her government alone, that hath been the sconce and fort of all Europe, which hath let this proud nation from overrunning all. If any State be yet free from his faction erected in the bowels thereof; if there be any State wherein his faction is erected that is not yet fired with civil troubles; if there be any State under his protection that enjoyeth moderate liberty, upon whom he tyrannizeth not, it is the mercy of this renowned Queen that standeth between them and their misfortunes."

The next conspirator against the rights of men and of nations, against the security and independence of all European States, against every kind and degree of civil and religious liberty, was Louis XIV. In his time the character of the English nation was the more remarkably displayed, because it was counteracted by an apostate and perfidious Government. During a great part of his reign, you know that the throne of England was filled by princes who deserted the cause of their country and of Europe, who were the accomplices and the tools of the oppressor of the world, who were even so unmanly, so unprincely, so base, as to have sold themselves to his ambition; who were content that he should enslave the Continent, if he enabled them to enslave Great Britain. These princes, traitors to their own royal dignity and to the feelings of the generous people whom they ruled, preferred the condition of the first slave of Louis XIV. to the dignity of the first freemen of England; yet, even under these princes, the feelings of the people of this kingdom were displayed, on a most memorable occasion, toward foreign sufferers and foreign oppressors. The revocation of the Edict of Nantes threw fifty thousand French Protestants on our shores. They were received as I trust the victims of tyranny ever will be in this land, which seems chosen by Providence to be the home of the exile, the refuge of the oppressed. They were welcomed

by a people high-spirited as well as humane, who did not insult them by clandestine charity—who did not give alms in secret lest their charity should be detected by the neighboring tyrants! No! they were publicly and nationally welcomed and relieved. They were bid to raise their voice against their oppressor and to proclaim their wrongs to all mankind. They did so. They were joined in the cry of just indignation by every Englishman worthy of the name. It was a fruitful indignation, which soon produced the successful resistance of Europe to the common enemy. Even then, when Jeffreys disgraced the bench which Lord Ellenborough now adorns, no refugee was deterred by prosecution for libel from giving vent to his feelings, from arraigning the oppressor in the face of all Europe.

During this ignominious period of our history, a war arose on the Continent, which cannot but present itself to the mind on such an occasion as this: the only war that was ever made on the avowed ground of attacking a free press. I speak of the invasion of Holland by Louis XIV. The liberties which the Dutch gazettes had taken in discussing his conduct were the sole cause of this very extraordinary and memorable war, which was of short duration, unprecedented in its avowed principle, and most glorious in its event for the liberties of mankind. That Republic, at all times so interesting to Englishmen,—in the worst times of both countries

our brave enemies; in their best times our most faithful and valuable friends,— was then charged with the defence of a free press against the oppressor of Europe, as a sacred trust for the benefit of all generations. They felt the sacredness of the deposit, they felt the dignity of the station in which they were placed, and, though deserted by the un-English Government of England, they asserted their own ancient character, and drove out the great armies and great captains of the oppressor with defeat and disgrace. Such was the result of the only war hitherto avowedly undertaken to oppress a free country because she allowed the free and public exercise of reason. And may the God of Justice and Liberty grant that such may ever be the result of wars made by tyrants against the rights of mankind, especially against that right which is the guardian of every other!

This war, gentlemen, had the effect of raising up from obscurity the great Prince of Orange, afterward King William III., the deliverer of Holland, the deliverer of England, the deliverer of Europe: the only hero who was distinguished by such a happy union of fortune and virtue that the objects of his ambition were always the same with the interests of humanity: perhaps the only man who devoted the whole of his life exclusively to the service of mankind. The most illustrious benefactor of Europe, this "hero without vanity or passion,"

as he has justly and beautifully been called by a venerable prelate, who never made a step toward greatness without securing or advancing liberty, who had been made Stadtholder of Holland for the salvation of his own country, was soon after made King of England for the deliverance of ours. When the people of Great Britain had once more a Government worthy of them, they returned to the feelings and principles of their ancestors and resumed their former station and their former duties as protector of the independence of nations. The people of England, delivered from a Government which disgraced, oppressed, and betrayed them, fought under William as their forefathers had fought under Elizabeth, and, after an almost uninterrupted struggle of more than twenty years, in which they were often abandoned by fortune but never by their own constancy and magnanimity, they at length once more defeated those projects of guilty ambition, boundless aggrandizement, and universal domination which had a second time threatened to overwhelm the whole civilized world. They rescued Europe from being swallowed up in the gulf of extensive empire, which the experience of all times points out as the grave of civilization ; where men are driven by violent conquest and military oppression into lethargy and slavishness of heart ; where, after their arts have perished with the mental vigor from which they spring, they are plunged by the

combined power of effeminacy and ferocity into irreclaimable and hopeless barbarism. Our ancestors established the safety of their own country by providing for that of others, and rebuilt the European system upon such firm foundations that nothing less than the tempest of the French Revolution could have shaken it.

The arduous struggle was suspended for a short time by the peace of Ryswick. The interval between that treaty and the War of the Succession enables us to judge how our ancestors acted in a very peculiar situation, which required maxims of policy very different from those which usually govern States. The treaty which they had concluded was in truth and substance only a truce. The ambition and the power of the enemy were such as to render real peace impossible. And it was perfectly obvious that the disputed succession of the Spanish monarch would soon render it no longer practicable to preserve even the appearance of amity. It was desirable, however, not to provoke the enemy by unseasonable hostility; but it was still more desirable—it was absolutely necessary—to keep up the national jealousy and indignation against him who was soon to be their open enemy. It might naturally have been apprehended that the press might have driven into premature war a prince who, not long before, had been violently exasperated by the press of another free country. I have looked over

the political publications of that time with some care, and I can venture to say that at no period were the system and projects of Louis XIV. animadverted on with more freedom and boldness than during that interval. Our ancestors and the heroic Prince who governed them did not deem it wise policy to disarm the national mind for the sake of prolonging a truce. They were both too proud and too wise to pay so great a price for so small a benefit.

In the course of the eighteenth century, a great change took place in the state of political discussion in this country. I speak of the multiplication of newspapers. I know that newspapers are not very popular in this place, which is, indeed, not very surprising, because they are known here only by their faults. Their publishers come here only to receive the chastisement due to their offences. With all their faults, I own I cannot help feeling some respect for whatever is a proof of the increased curiosity and increased knowledge of mankind; and I cannot help thinking that if somewhat more indulgence and consideration were shown for the difficulties of their situation, it might prove one of the best correctives of their faults, by teaching them that self-respect which is the best security for liberal conduct toward others. But however that may be, it is very certain that the multiplication of these channels of popular infor-

mation has produced a great change in the state of our domestic and foreign politics. At home, it has, in truth, produced a gradual revolution in our government. By increasing the number of those who exercise some sort of judgment on public affairs, it has created a substantial democracy, infinitely more important than those democratical forms which have been the subject of so much contest. So that, I may venture to say, England has not only in its forms the most democratical government that ever existed in a great country, but in substance has the most democratical government that ever existed in any country, if the most substantial democracy be that state in which the greatest number of men feel an interest and express an opinion upon political questions, and in which the greatest number of judgments and wills concur in influencing public measures.

The same circumstances gave great additional importance to our discussion of continental politics. That discussion was no longer, as in the preceding century, confined to a few pamphlets, written and read only by men of education and rank, which reached the multitude very slowly and rarely. In newspapers an almost daily appeal was made, directly or indirectly, to the judgment and passions of almost every individual in the kingdom, upon the measures and principles not only of his own country, but of every State in Europe. Under

such circumstances, the tone of these publications, in speaking of foreign Governments, became a matter of importance. You will excuse me, therefore, if, before I conclude, I remind you of the general nature of their language on one or two very remarkable occasions, and of the boldness with which they arraigned the crimes of powerful sovereigns, without any check from the laws and magistrates of their own country. This toleration, or rather this protection, was too long and uniform to be accidental. I am, indeed, very much mistaken if it be not founded upon a policy which this country cannot abandon without sacrificing her liberty and endangering her national existence.

The first remarkable instance which I shall choose to state of the unpunished and protected boldness of the English press, of the freedom with which they animadverted on the policy of powerful sovereigns, is the partition of Poland in 1772; an act not, perhaps, so horrible in its means, nor so deplorable in its immediate effects, as some other atrocious invasions of national independence which have followed it, but the most abominable in its general tendency and ultimate consequences of any political crime recorded in history, because it was the first practical breach in the system of Europe, the first example of atrocious robbery perpetrated on unoffending countries which has been since so liberally followed, and which has broken

down all the barriers of habit and principle which guarded defenceless states. The perpetrators of this atrocious crime were the most powerful sovereigns of the Continent, whose hostility it certainly was not the interest of Great Britain wantonly to incur. They were the most illustrious princes of their age, and some of them were, doubtless, entitled to the highest praise for their domestic administration, as well as for the brilliant qualities which distinguished their characters. But none of these circumstances, no dread of their resentment, no admiration of their talents, no consideration for their rank, silenced the animadversion of the English press. Some of you remember, all of you know, that a loud and unanimous cry of reprobation and execration broke out against them from every part of this kingdom. It was perfectly uninfluenced by any considerations of our own mere national interest, which might perhaps be supposed to be rather favorably affected by that partition. It was not, as in some other countries, the indignation of rival robbers, who were excluded from their share of the prey. It was the moral anger of disinterested spectators against atrocious crimes, the gravest and the most dignified moral principle which the God of Justice had implanted in the human heart; that of which the dread is the only restraint on the actions of powerful criminals, and of which the promulgation is the

only punishment that can be inflicted on them. It is a restraint which ought not to be weakened. It is a punishment which no good man can desire to mitigate.

That great crime was spoken of as it deserved in England. Robbery was not described by any courtly circumlocutions. Rapine was not called policy; nor was the oppression of an innocent people termed a mediation in their domestic differences. No prosecutions, no criminal informations followed the liberty and the boldness of the language then employed. No complaints ever appear to have been made from abroad, much less any insolent menaces against the free constitution which protected the English press. The people of England were too long known throughout Europe for the proudest potentate to expect to silence our press by such means.

I pass over the second partition of Poland in 1792. You all remember what passed on that occasion, the universal abhorrence expressed by every man and every writer of every party, the succors that were publicly preparing by large bodies of individuals of all parties for the oppressed Poles.

I hasten to the final dismemberment of that unhappy kingdom, which seems to me the most striking example in our history of the habitual, principled, and deeply rooted forbearance of those who administer the law toward political writers.

We were engaged in the most extensive, bloody, and dangerous war that this country ever knew; and the parties to the dismemberment of Poland were our allies. We had every motive of policy to court their friendship. Every reason of state seemed to require that we should not permit them to be abused and vilified by English writers. What was the fact? Did any Englishman consider himself at liberty, on account of temporary interests, however urgent, to silence those feelings of humanity and justice which guard the certain and permanent interests of all countries? You all remember that every voice, and every pen, and every press in England were unceasingly employed to brand that abominable robbery. You remember that this was not confined to private writers, but that the same abhorrence was expressed by every member of both Houses of Parliament who was not under the restraints of ministerial reserve. No minister dared even to blame the language of honest indignation which might be very inconvenient to his most important political projects; and I hope I may venture to say that no English assembly would have endured such a sacrifice of eternal justice to any miserable interest of an hour. Did the law-officers of the Crown venture to come into a court of justice to complain of the boldest of the publications of that time? They did not. I do not say that they felt any disposition to do so. I believe

that they could not. But I do say that if they had: if they had spoken of the necessity of confining our political writers to cold narrative and unfeeling argument: if they had informed the jury that they did not prosecute history, but invective; that if private writers be at all to blame great princes, it must be with moderation and decorum:—the sound heads and honest hearts of an English jury would have confounded such sophistry, and declared by their verdict that moderation of language is a relative term, which varies with the subject to which it is applied: that atrocious crimes are not to be related as calmly and coolly as indifferent and trifling events: that if there be a decorum due to exalted rank and authority, there is also a much more sacred decorum due to virtue and to human nature, which would be outraged and trampled under foot by speaking of guilt in a lukewarm language, falsely called moderate.

Soon after, gentlemen, there followed an act, in comparison with which all the deeds of rapine and blood perpetrated in the world are innocence itself—the invasion and destruction of Switzerland, that unparalleled scene of guilt and enormity: that unprovoked aggression against an innocent country, which had been the sanctuary of peace and liberty for three centuries; respected as a sort of sacred territory by the fiercest ambition; raised, like its own mountains, beyond the region of the storms

which raged around on every side; the only warlike people that never sent forth armies to disturb their neighbors; the only Government that ever accumulated treasures without imposing taxes, an innocent treasure, unstained by the tears of the poor, the inviolate patrimony of the commonwealth, which attested the virtue of a long series of magistrates, but which at length caught the eye of the spoiler, and became the fatal occasion of their ruin! Gentlemen, the destruction of such a country, "its cause so innocent, and its fortunes so lamentable," made a deep impression on the people of England. I will ask my learned friend, if we had then been at peace with the French Republic, whether we must have been silent spectators of the foulest crimes that ever blotted the name of humanity? whether we must, like cowards and slaves, have repressed the compassion and indignation with which that horrible scene of tyranny had filled our hearts? Let me suppose, gentlemen, that Aloys Reding, who has displayed in our times the simplicity, magnanimity, and piety of ancient heroes, had, after his glorious struggle, honored this kingdom by choosing it as his refuge: that after performing prodigies of valor at the head of his handful of heroic peasants on the field of Morgarten, where his ancestor, the Landmann Reding, had, five hundred years before, defeated the first oppressors of Switzerland, he had selected this country to be his

residence, as the chosen abode of liberty, as the ancient and inviolable asylum of the oppressed: would my learned friend have had the boldness to have said to this hero, "that he must hide his tears" (the tears shed by a hero over the ruins of his country!) "lest they might provoke the resentment of Reubell or Rapinat; that he must smother the sorrow and the anger with which his heart was loaded; that he must breathe his murmurs low, lest they might be overheard by the oppressor"? Would this have been the language of my learned friend? I know that it would not. I know that by such a supposition I have done wrong to his honorable feelings, to his honest English heart. I am sure that he knows as well as I do that a nation which should thus receive the oppressed of other countries would be preparing its own neck for the yoke. He knows the slavery which such a nation would deserve and must speedily incur. He knows that sympathy with the unmerited sufferings of others and disinterested anger against their oppressors are, if I may so speak, the masters which are appointed by Providence to teach us fortitude in the defence of our own rights; that selfishness is a dastardly principle, which betrays its charge and flies from its post; and that those only can defend themselves with valor who are animated by the moral approbation with which they can survey their sentiments toward others, who

are ennobled in their own eyes by a consciousness that they are fighting for justice as well as interest—a consciousness which none can feel but those who have felt for the wrongs of their brethren. These are the sentiments which my learned friend would have felt. He would have told the hero: "Your confidence is not deceived; this is still that England of which the history may, perhaps, have contributed to fill your heart with the heroism of liberty. Every other country of Europe is crouching under the bloody tyrants who destroyed your country. We are unchanged; we are still the same people which received with open arms the victims of the tyranny of Philip II. and Louis XIV. We shall not exercise a cowardly and clandestine humanity! Here we are not so dastardly as to rob you of your greatest consolation. Here, protected by a free, brave, and high-minded people, you may give vent to your indignation; you may proclaim the crimes of your tyrants; you may devote them to the execration of mankind; there is still one spot upon earth in which they are abhorred without being dreaded!"

I am aware, gentlemen, that I have already abused your indulgence, but I must entreat you to bear with me a short time longer, to allow me to suppose a case which might have occurred, in which you will see the horrible consequences of enforcing rigorously principles of law, which I cannot

counteract, against political writers. We might have been at peace with France during the whole of that terrible period which elapsed between August, 1792, and 1794, which has been usually called the reign of Robespierre — the only series of crimes, perhaps, in history which, in spite of the common disposition to exaggerate extraordinary facts, has been beyond measure underrated in public opinion. I say this, gentlemen, after an investigation which, I think, entitles me to affirm it with confidence. Men's minds were oppressed by atrocity and the multitude of crimes; their humanity and their indolence took refuge in scepticism from such an overwhelming mass of guilt; and the consequence was that all these unparalleled enormities, though proved not only with the fullest historical but with the strictest judicial evidence, were at the time only half believed and are now scarcely half remembered. When these atrocities were daily perpetrating, of which the greatest part are as little known to the public in general as the campaigns of Genghis Khan but are still protected from the scrutiny of men by the immensity of those voluminous records of guilt in which they are related and under the mass of which they will be buried till some historian be found with patience and courage enough to drag them forth into light, for the shame, indeed, but for the instruction of mankind — when these crimes were perpetrating,

which had the peculiar malignity, from the pretexts with which they were covered, of making the noblest objects of human pursuit seem odious and detestable; which have almost made the names of liberty, reformation, and humanity synonymous with anarchy, robbery, and murder; which thus threatened not only to extinguish every principle of improvement, to arrest the progress of civilized society, and to disinherit future generations of that rich succession which they were entitled to expect from the knowledge and wisdom of the present, but to destroy the civilization of Europe, which never gave such a proof of its vigor and robustness as in being able to resist their destructive power — when all these horrors were acting in the greatest empire of the Continent, I will ask my learned friend, if we had then been at peace with France, how English writers were to relate them so as to escape the charge of libelling a friendly government?

When Robespierre, in the debates in the National Convention on the mode of murdering their blameless sovereign, obected to the formal and tedious mode of murder called a trial, and proposed to put him immediately to death, "on the principles of insurrection," because to doubt the guilt of the King would be to doubt the innocence of the Convention, and if the King were not a traitor, the Convention must be rebels, would my learned friend

have had an English writer state all this with "decorum and moderation"? Would he have had an English writer state that though this reasoning was not perfectly agreeable to our national laws, or perhaps to our national prejudices, yet it was not for him to make any observations on the judicial proceedings of foreign States?

When Marat, in the same Convention, called for two hundred and seventy thousand heads, must our English writers have said that the remedy did, indeed, seem to their weak judgment rather severe; but that it was not for them to judge the conduct of so illustrious an assembly as the National Convention, or the suggestions of so enlightened a statesman as Monsieur Marat?

When that Convention resounded with applause at the news of several hundred aged priests being thrown into the Loire, and particularly at the exclamation of Carrier, who communicated the intelligence, "What a revolutionary torrent is the Loire!"—when these suggestions and narrations of murder, which had hitherto been only hinted and whispered in the most secret cabals, in the darkest caverns of banditti, were triumphantly uttered, patiently endured, and even loudly applauded by an assembly of seven hundred men, acting in the sight of all Europe, would my learned friend have wished that there had been found in England a single writer so base as to deliberate upon

the most safe, decorous, and polite manner of relating all these things to his countrymen ?

When Carrier ordered five hundred children under fourteen years of age to be shot, the greater part of whom escaped the fire from their size, when the poor victims ran for protection to the soldiers, and were bayoneted clinging round their knees, would my friend — but I cannot pursue the strain of interrogation. It is too much. It would be a violence which I cannot practise on my own feelings. It would be an outrage to my friend. It would be an insult to humanity. No ! Better, ten thousand times better, would it be that every press in the world were burned — that the very use of letters were abolished — that we were returned to the ignorance of the rudest times, than that the results of civilization should be made subservient to the purpose of barbarism, than that literature should be employed to teach a toleration for cruelty, to weaken moral hatred for guilt, to deprave and brutalize the human mind. I know that I speak my friend's feelings as well as my own when I say, God forbid that the dread of any punishment should ever make any Englishman an accomplice in so corrupting his countrymen, a public teacher of depravity and barbarity.

Mortifying and horrible as the idea is, I must remind you, gentlemen, that even at that time, even under the reign of Robespierre, my learned

friend, if he had then been Attorney-General, might have been compelled by some most deplorable necessity to have come into this court to ask your verdict against the libellers of Barère and Collet d'Herbois. Mr. Peltier then employed his talents against the enemies of the human race, as he has uniformly and bravely done. I do not believe that any peace, any political considerations, any fear of punishment, would have silenced him. He has shown too much honor and constancy and intrepidity to be shaken by such considerations as these.

My learned friend might then have been compelled to have filed a criminal information against Mr. Peltier, for "wickedly and maliciously intending to vilify and degrade Maximilian Robespierre, President of the Committee of Public Safety of the French Republic!" He might have been reduced to the sad necessity of appearing before you to belie his own better feelings, to prosecute Mr. Peltier for publishing sentiments which my friend himself had a thousand times felt, and a thousand times expressed. He might have been obliged even to call for punishment upon Mr. Peltier for language which he and all mankind would forever despise Mr. Peltier if he were not to employ. Then, indeed, gentlemen, we should have seen the last humiliation fall on England: the tribunals, the spotless and venerable tribunals,

of this free country reduced to be the ministers of the vengeance of Robespierre! What could have rescued us from this last disgrace? The honesty and courage of a jury. They would have delivered the judges of this country from the dire necessity of inflicting punishment on a brave and virtuous man because he spoke truth of a monster. They would have despised the threats of a foreign tyrant, as their ancestors braved the power of oppression at home.

In the court where we are now met, Cromwell twice sent a satirist on his tyranny to be convicted and punished as a libeller, and in this court, almost in sight of the scaffold streaming with the blood of his sovereign, within hearing of the clash of his bayonets which drove out Parliament with contumely, two successive juries rescued the intrepid satirist from his fangs, and sent out with defeat and disgrace the usurper's Attorney-General from what he had the insolence to call his court! Even then, gentlemen, when all law and liberty were trampled under the feet of a military banditti: when those great crimes were perpetrated on a high place and with a high hand against those who were the objects of public veneration which, more than anything else, break their spirits and confound their moral sentiments, obliterate the distinctions between right and wrong in their understandings, and teach the multitude to feel no

longer any reverence for that justice which they thus see triumphantly dragged at the chariot-wheels of a tyrant: even then, when this unhappy country, triumphant indeed abroad, but enslaved at home, had no prospect but that of a long succession of tyrants wading through slaughter to a throne — even then, I say, when all seemed lost, the unconquerable spirit of English liberty survived in the hearts of English jurors. That spirit is, I trust in God, not extinct; and if any modern tyrant were, in the drunkenness of his insolence, to hope to overawe an English jury, I trust and I believe that they would tell him: "Our ancestors braved the bayonets of Cromwell; we bid defiance to yours. 'Contempsi Catilinæ gladios — non pertimescam tuos!'"

What could be such a tyrant's means of overawing a jury? As long as their country exists, they are girt round with impenetrable armor. Till the destruction of their country, no danger can fall upon them for the performance of their duty; and I do trust that there is no Englishman so unworthy of life as to desire to outlive England. But if any of us are condemned to the cruel punishment of surviving our country: if, in the inscrutable counsels of Providence, this favored seat of justice and liberty, this noblest work of human wisdom and virtue, be destined to destruction, which I shall not be charged with national preju-

dice for saying would be the most dangerous wound ever inflicted on civilization : at least let us carry with us into our sad exile the consolation that we ourselves have not violated the rights of hospitality to exiles—that we have not torn from the altar the suppliant who claimed protection as the voluntary victim of loyalty and conscience !

Gentlemen, I now leave this unfortunate gentleman in your hands. His character and his situation might interest your humanity ; but, on his behalf, I only ask justice from you. I only ask a favorable construction of what cannot be said to be more than ambiguous language, and this you will soon be told, from the highest authority, is a part of justice.

SIR ROBERT PEEL

Robert Peel was born in Lancashire in 1788. He was educated at Harrow and Oxford, and at both schools was noted for industry and success. He entered Parliament in 1809, and soon became marked for close attention to parliamentary duties, study of the business of the House, and thorough mastery of any subject on which he spoke. His official life began in 1811, when he was made Under-Secretary for the Colonies, and in 1812 he was given the post of Secretary for Ireland. He filled this arduous and ungrateful position with tact and ability, although, young as he was, it was frequently his lot to encounter in debate such men as Grattan and Canning. In 1818 he resigned his unpleasant post, and remained without office until 1822, when he became Home Secretary and practically Premier, though Lord Liverpool held that title. In 1829 Peel introduced the famous measure for the relief of the Roman Catholics, and carried it through against strong opposition. In 1834 he became Prime Minister, but was forced to resign in 1835, and become leader of the Opposition. In 1841 the Conservatives again came into power, and Peel resumed office, holding it until 1846, when he finally retired, having during his term taken prominent part in the repeal of the unpopular corn-laws, as well as other reformatory measures. He died in 1850 from the effects of a fall from his horse.

Peel was not eloquent in the popular sense, but he was close and cogent in argument, lucid in exposition, and tactful in presentation of his facts. He was always earnest, and his personal influence doubtless contributed to the effect of his speeches ; and he must be accorded the title of orator. His diction was rather pompous, and sometimes too thickly interspersed with classical imagery and quotation. In debate he

was better than in platform oratory, being somewhat inclined to artifice in the latter class of public speaking.

Peel's posthumous memoirs, edited by Earl Stanhope and Viscount Cardwell, are interesting. His speeches were collected and published in four volumes by Routledge (London, 1853).

ON THE DISABILITIES OF THE JEWS

Peel.

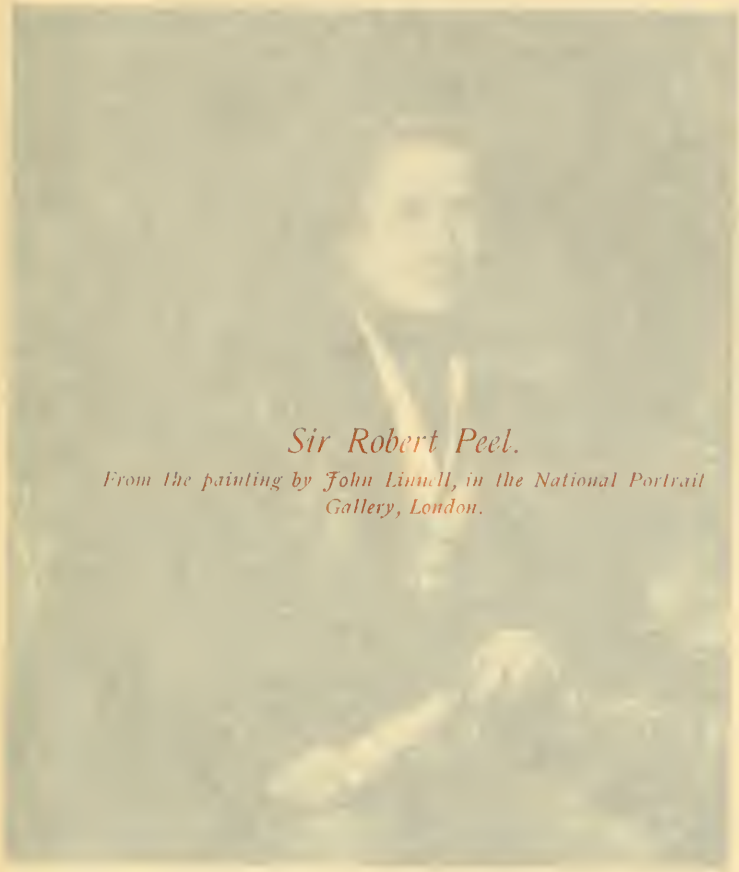
The following speech was made on the occasion of an attempt to postpone the bill relieving the disabilities of the Jews. The bill was one to place the Jew on the same footing, so far at least as civil rights, as the Christian—a footing which he had never hitherto enjoyed. Peel, who was usually to be found on the side of toleration and justice, combated the postponement and caused it to be negatived. His speech is replete with a dignified breadth of tolerance, and the pointed reasoning and measured diction make it an admirable example of the best oratorical manner of the great minister.

MR. SPEAKER: It was with great reluctance that I gave a silent vote on the first occasion on which this matter was brought under our consideration; but the peculiar circumstances under which the debate closed, so immediately before the Christmas recess, and my unwillingness to incur the risk of preventing, by an adjournment, a decision on the question, induced me on that occasion to be silent. I now wish to state the grounds on which I have come to a conclusion which is at variance certainly with first impressions, and which places me in painful collision with many with whom I have almost invariably acted — with some from whom I never, to the best

of my recollection, on any former subject of equal importance, have had the pain to differ.

I must in the first place disclaim altogether any concurrence in the doctrine that to us, in our legislative capacity, religion is a matter of indifference. I am deeply impressed with the conviction that it is our paramount duty to promote the interests of religion and its influence on the human mind. I am impressed by a conviction that the spirit and precepts of Christianity ought to influence our deliberations; nay, more, that if our legislation be at variance with the precepts and spirit of Christianity we cannot expect the blessing of God upon them. I may, indeed, say with truth that whether my decision on this question be right or wrong, it is influenced much less by consideration of political expediency than by a deep sense of religious obligation.

Between the tenets of the Jew and of the Christian there is, in my opinion, a vital difference. The religion of the Christian and the religion of the Jew are opposed in essentials. Between them there is complete antagonism. I do not consider that the concurrence of the Jew with the Christian in recognizing the historical truths and divine origin of the moral precepts of the Old Testament can avail to reconcile their differences in respect to those doctrines which constitute the vital principle and foundation of Christianity. If, as a legislature,



Sir Robert Peel.

From the painting by John Linnell, in the National Portrait Gallery, London.

we had authority to determine religious error and a commission to punish religious error, it might be our painful duty to punish the Jews. But we have no such commission. If the Jews did commit an inexpiable crime nearly two thousand years ago, we have had no authority given to us — even if we could determine who were the descendants of the persons guilty of that crime — to visit the sins of the fathers upon the children, not unto the third or fourth, but unto the three hundredth or four hundredth generation. That awful power is not ours. "Vengeance is mine; I will repay, saith the Lord."

I cannot, therefore, admit the right of the legislature to inflict a penalty for mere religious error. I consider a civil disability to partake of the nature of a penalty. I speak of religious error simply and abstractly. If you can certainly infer from that religious error dangerous political opinions, and if you have no other mode of guarding against those political opinions except by the administration of a test for the purpose of ascertaining the religious opinions, in that case you may have a right to impose the penalty of exclusion from certain trusts. In the case of the Roman Catholic, you did not exclude him because he maintained the worship of the Virgin Mary or the doctrine of Transubstantiation, but because you thought he was a dangerous subject, in consequence of his acknowledging the

supremacy of a foreign power and his allegiance to another sovereign. You excluded him from political power because you believed he would abuse it. You did not inflict civil disability for mere religious error. If you can show, in this case, that the maintenance of certain religious opinions by the Jews is a decisive proof of their civil unworthiness, you may have a right to exclude them from power; but the *onus* of showing this is imposed upon you. The presumption is in their favor. The presumption is that a Jew, as a subject of the British Crown, is entitled to all the qualifications and the privileges of a British subject. You may defeat that claim by proof of danger to the State from admitting it; but the *onus* of proof lies upon you.

The claim of the Jews, as British-born subjects, is for entire and complete qualification for office. You do not diminish the force of that claim by their partial qualification. You allow the Jew to fill municipal offices — you concede to him the elective franchise; but the obligation to assign a reason for withdrawing from him what remains is precisely the same. Nay, after you admit the qualification for the privileges and franchises which you have intrusted to him, it becomes the more incumbent upon you to assign a reason for withholding complete qualification.

A noble lord, who has spoken with so much good

feeling upon this question,—the member for Bath, —quoted an authority entitled to much weight, a distinguished man, now no more. I wish to speak of the late Dr. Arnold with the utmost respect. The noble lord read an extract from the works of Dr. Arnold, which appeared to make a considerable impression upon the House—a passage in which Dr. Arnold says: "For the Jews I see no plea of justice whatever; they are voluntary strangers here, and have no claim to become citizens but by conforming to our moral law, which is the Gospel."

We are to reject the claim of the Jews now living—born in this country and owing entire allegiance to the British Crown—to the privileges of British subjects, because their ancestors were voluntary strangers here. The descendants of an ancient Briton, of the pure blood, may be entitled to urge this objection to a Jew; but the descendant of a Norman, or a Roman, or a Saxon, or a Dane can hardly insist upon it. His ancestors, I apprehend, were not invited here; they were "voluntary strangers"; with this difference between them and the Jews, that the Jews were content to submit to the laws and institutions which they found established, and that the others subverted them. Dr. Arnold proceeds: "I would give the Jews the honorary citizenship which was so often given by the Romans, namely, the private

rights of citizens, *jus commercii et jus connubii,* but not the public rights, *jus suffragii et jus honorum.*"

I contend that the British law recognizes no such distinction ; that, after conferring upon the Jew the *jus commercii,* the *onus* of assigning satisfactory reasons for withholding from the Jew the remaining rights of citizenship continues undiminished. Unless you can show that there is something politically hostile in the character and conduct of the Jew in relation to the State ; that in times of civil discord and discontent there is reason to apprehend his disaffection ; or that, for some good cause or other, he is unworthy of confidence, you cannot defeat his equitable claim to the entire and complete rights of citizenship.

To the opinion of Dr. Arnold I oppose the opinion of a still higher authority, that of Lord Bacon. In his argument upon the rights of the *post nati* of Scotland, Lord Bacon has the following remarkable observations : "It seemeth admirable unto me to consider with what a measured hand, and with how true proportions, our law doth impart and confer the several degrees of the benefits of naturalization. The first degree is an alien enemy. The second is an alien friend. The third is a denizen. To this person the law giveth an ability and capacity abridged, not in matter but in time. The fourth and last degree is a natural-born subject — 'he is complete and entire.' Other laws do admit

more curious distinctions of this privilege, for the Romans had besides *jus civitatis,* which answereth to naturalization, *jus suffragii.* For though a man were naturalized to take lands and inheritance, yet he was not enabled to have a voice in passing of laws, or at election of officers. And yet further, they had *jus petitionis,* or *jus honorum.* For though a man had voice, yet he was not capable of honor or office. But these he devises commonly of popular or free estates which are jealous whom they take into their number, and are unfit for monarchies; but by the law of England the subject that is natural-born hath a capacity or ability to all benefits whatever."

The Jew is a subject natural-born; and I contend that he has a right, as such, to be qualified for all civil trusts — that he has a "capacity or ability to all benefits whatever," unless you show a reason to the contrary — a reason not founded upon mere religious error, but upon some good cause for political disqualification.

In the course of this debate the exclusion of the Jews has been justified by reference to other disqualifications to which all subjects of the Queen are liable. It is contended that it is no hardship to exclude the Jews, because copyholders are excluded from rights which freeholders possess, and minors from the exercise of powers which a man of full age enjoys. An honorable and learned

gentleman [Mr. Walpole], who bears a name which must be honored in this House, the lustre of which he is, I trust, destined to renew, contended that there is a distinction between the elective franchise and the functions of legislation, and cited, as a proof of such distinction, the case of the clergy, who are qualified to vote for members of Parliament but not to sit in Parliament. Surely these are ingenious fallacies, employed for the purpose of concealing from ourselves the real character of a harsh exclusion. How does the elective franchise differ in principle from the right of legislation? There is no such franchise given by common law; the elective franchise is a creature of the legislature. You withhold from the nine-pound householder a right which you give to the ten-pound householder. With respect to the exclusion of the clergy from this branch of the legislature, and with respect to the exclusion of minors and those who have not sufficient property, these exclusions differ altogether in their principle from the disqualification you impose upon the Jews. In the first place, the Jew is equally subject with those who profess Christianity to all these exclusions of minors, of copyholders, and nine-pound householders. To all these disqualifications he is equally subject with ourselves; but you superadd another disqualification to which he is specially liable. Of the exclusions to which

you refer, some are voluntary, others temporary in their duration. A clergyman, when he enters upon his sacred office, knows that he will be excluded from this House. A minor, if he live until he attains his majority, will acquire his full rights. But the disqualification of the Jew is of a different character — it is a disqualification on account of his opinions; it is not temporary or voluntary; it is a superadded disqualification, and it differs in its character from the disqualifications to which other classes are subject.

Now, has there been assigned any valid cause for this disqualification, derived from the political conduct and character of the Jew? On the contrary, admissions in his favor have been made which render the hardship of excluding the Jews still more grievous. We are told by the opponents of the Jews that in point of moral conduct, in point of active exercise of charity, in point of tried loyalty, and in point of property, the Jews are entitled to as much consideration as any other class of the Queen's subjects. If in all these respects they are equally worthy, why subject them to exclusions which imply the want of civil worth? If the claim of the Jew to the full priviliges of a natural-born subject of the Queen can only be defeated by proof of his misconduct or of justifiable suspicion, there is an end of the question. His claim is not even contested on that ground.

But there are two reasons — for I will class all the other arguments urged against the admission of the Jews under two heads, for the purpose of brevity — which have been advanced in support of their exclusion, the force of which, if well founded in fact, I should be the last person to deny. One of these reasons is that you have for the last three hundred years deemed a recognition of the Christian faith a necessary qualification of a legislator; the other, that if you now abandon that qualification and permit it to be struck out of the statute-book, where it has so long remained, this conduct on your part will imply an indifference to religion, and that such indifference is likely to relax the energies and paralyze the exertions of many devout Christians who, in this and in other countries, are using their utmost endeavors to propagate the Christian faith. Now, I wish to weigh fairly the force of these two objections. I do not undervalue the objection that you are about to remove from the statute-book the words "on the true faith of a Christian." I fear that you will give offence to many sincere Christians by removing these words; but, on a deep consideration of this subject, I am convinced that the popular impression with respect to these words and the circumstances under which they were inserted is erroneous, and that it would not be just to subject the Jew to continued disqualification

on account of erroneous, though most sincere and conscientious impressions in respect to the intent and effect of the words which it is proposed to omit.

It was said, and truly said, by the honorable and learned member for Southampton, that up to the reign of Queen Elizabeth there was no oath required from members of Parliament. The principle of the British Constitution before the First of Elizabeth was that the will of the electing body should determine the right to sit in Parliament; and no oath was required from members of Parliament before the fifth year of the reign of Elizabeth, when the oath of supremacy was administered—an oath which, if not administered on this book [the New Testament], the Jew would have been perfectly willing to take. The oath, it is true, was administered in a form in which it could only be taken by a sincere Christian. But in the first year of the reign of Queen Elizabeth, the law presumed every one to be not merely a Christian, but a member of the Established Church; for it required every subject of the Queen to attend divine service in the Church once at least on every Sunday, on the penalty of twelve pence. The object of the oath of supremacy was to assure the Queen of the full allegiance of her subjects, and to exclude from office and from Parliament all those who acknowledged the temporal

or ecclesiastical authority of a foreign potentate within these realms. The substance of the oath was directed, not against Jews, but against Christians. It was the form of the oath alone which affected the Jew.

From the Fifth of Elizabeth to the Seventh of James I., no other oath than the oath of supremacy was required from members of Parliament. In the Seventh of James I., the year 1605, a new and additional oath was administered ; that oath which contains the words "on the true faith of a Christian." The reason for this new oath is fully stated in the preamble to the act which imposed it. There is an express reference "to the barbarous and horrible attempt to have blown up with gunpowder, the King, Queen, Prince, Lords, and Commons in this House of Parliament assembled." This oath continued in force until the Revolution of 1688. Now, if the words "on the true faith of a Christian" had been considered important as guaranteeing the Christian character of the legislature, is it not remarkable that in the first year of the reign of William and Mary they should have been altogether dispensed with ? The oath which contained them, and with the oath the words themselves, was by express enactment "repealed, utterly abrogated, and made void"; and for that oath this simple form was substituted : "I do sincerely promise and swear

that I will be faithful and bear true allegiance to her Majesty. So help me God." From the year 1688 to the year 1701, this simple oath of allegiance was the only one required. There was no profession of the "true faith of a Christian" by members of either House of Parliament. In 1701, the Pretender assumed the title of James III. That title was acknowledged by Louis XIV.; and it was thought necessary, for the protection of the new dynasty, to impose an oath of abjuration. The form of the oath imposed by James I., which included the words "on the true faith of a Christian," was adopted, and has since remained in force. But it was neither originally imposed, nor subsequently revived, for the purpose of assuring of the Christian character of the legislature. You now plead against the admission of the Jew the policy of maintaining that Christian character. You argue, "We have ceased, it is true, to be a Church of England Parliament, we have ceased to be a Protestant Parliament, but we have tests in force which ensure our unity as a Christian Parliament." May not the Jew reply that those tests were never designed for that purpose; that they were not directed against him; that they were directed, for purely political purposes, by one body of Christians against another, whose loyalty and fidelity were denied? These tests that are now to be retained as the guaranties for Christian unity are the

historical evidences of former divisions and fierce conflicts between Christians themselves.

The member for Midhurst quotes the writ of summons for the convocation of Parliament, and contends that the Jew is inadmissible to the legislature because Parliament is convened to deliberate not only on matters of State, but especially *"de quibusdam rebus Ecclesiam Anglicanam concernentibus."* What is the answer of the Jew to this objection?—"Am I less qualified than the Quaker to legislate on questions of public policy, or on matters concerning the Church? I have no scruples as to the lawfulness of war. I do not deny the right to tithes; I do not refuse their payment, except on compulsion. I have no rival religious establishment, as the Roman Catholic has. You make no objection to the Unitarian, who rejects one of the fundamental doctrines of the Christian faith, and yet you plead the Christian character of the legislature as the impediment to my admission."

Still, it is contended that we have at least this satisfaction, that no member can be admitted to sit in the House of Commons without professing his belief in Christianity; that the declaration "on the true faith of a Christian" is an indispensable condition of his admission. But this is not true. I hold in my hand the declaration made by a Quaker at the table of this House, and from that

declaration the words "on the true faith of a Christian" are omitted. You will constitute no new precedent, therefore, by omitting these words in the case of the Jew. Require from the Jew the same identical declaration which you require from the Quaker, and permit the Jew to swear in the very same form in which you permit him, nay, compel him to swear in a court of law, and he will be perfectly satisfied. Can there be a stronger proof that you did not consider the words "on the true faith of a Christian" an essential qualification for the legislature, than that in framing a declaration to be made by the Quaker, on his admission to the House, you deliberately omitted them? You have done the same in the case of the Moravian and the Separatist. There is, therefore, an end of argument that the omission of the same words in favor of the Jew would be an act without an example, derogatory to the Christian character of Parliament.

The honorable member for Dorsetshire has referred to a speech on this subject delivered by me in the year 1830, with an expression of surprise that I can now consent to the removal of Jewish disabilities. Since the year 1830, circumstances have occurred having an important bearing on this question, and making in the position of it a material change. You have in the interval admitted to the legislature classes of religionists who in the

year 1830 were excluded in common with the Jew; you have admitted the Quakers, the Moravians, and the Separatists. In respect to office—to civil, political, and municipal office—the present position of the Jew is entirely different from his position in 1830; and even now, and after the progress made in this debate, I doubt whether that position is clearly understood.

It is well known that the Jews have been selected by the Crown for civil distinctions; that, under the late Government, the baronetcy was conferred by the Queen upon Sir Moses Montefiore; under the present, upon Mr. Rothschild. It is also well known that the Jews are, by a recent act of Parliament, qualified for all municipal offices. But it is not generally known that all civil and military appointments, with very few exceptions, are tenable by a Jew.

I believe that at this moment the Jew is eligible to any executive office to which the Crown may appoint him, no matter how important may be the duties attached to that office, unless in the case of offices which must be held by Privy Councillors he be precluded by the oath which is administered to a Privy Councillor. I apprehend that there is nothing which can prevent a Jew from being Secretary of State to-morrow, except through the indirect operation of the oath required of a Privy Councillor, and that there is nothing in the substance or terms

of that oath to which a Jew would object. If you will permit the Jew to take the Privy Councillor's oath on the Old Testament, the oath of the Privy Councillor will not exclude him from the Privy Council. It is my conviction, therefore, that, except through the indirect operation of that oath, there is not an office within the gift of the Crown from which a Jew, practically, is excluded. Let me shortly revert to the Act of 1828. A certain declaration, containing the words "on the true faith of a Christian," was by that Act substituted for the declaration against Transubstantiation; and, observe, these words, "on the true faith of a Christian," were not inserted in the declaration required by the bill, as it was sent up to the Lords by the House of Commons. The bill, when it left the lower House, did not contain these words; the Commons were content to admit dissenters from the Church to all executive and municipal offices without requiring that declaration of Christian faith. The words were inserted in the House of Lords, and, rather than lose the bill, the amendment was acceded to by the Commons. A marked distinction was made in the Act of 1828 as to the period when the declaration was required: in the case of executive office, a certain time (six months after admission to office) was given; in the case of the municipal office, the declaration was required to be made previously to or upon admission to

office. In the year 1831, a material change took place in the enactments of the annual Indemnity Act. The declaration required by the Act of 1828 was then placed on the same footing as all other tests. The consequence is that during the whole of the last two reigns—the reign of King William and the reign of Queen Victoria—all parties appointed to executive office have been given, under the annual Indemnity Act, the whole year to qualify. Before the year expires another Indemnity Act passes; and the fact, therefore, is that at this moment, except through the indirect operation of the Privy Councillor's oath, there is not an office under the Crown which a Jew may not hold, and be protected in holding.

Having acceded to those important changes in the position of the Jew, and having admitted all other dissenters to legislative functions, can we permanently maintain the exclusion of the Jew from Parliament? He is possessed of the elective franchise. He is eligible to, and has entered upon, municipal office. He may be Lord Mayor of London. He is shut out from no office under the Crown excepting that of Privy Councillor. The Crown has been enabled for the last seventeen years to appoint the Jew to high political office; but there is a certain trust which can only be exercised through the good will of electors, the great majority of whom must probably be professing

Christians, and yet from that trust the Jew is to remain excluded. There is no jealousy of the Crown in respect to the appointment of Jews to the most important civil offices, but such jealousy of the Christian electors of this country that you will not permit them to send the man of their choice to this House, if he happen to be a Jew.

Sir, my opinion is that you cannot permanently maintain that exclusion ; and, if you cannot, why not remove it now? You have removed other disabilities with little danger to the interests of the Church or to the interests of the Christian religion. My firm belief is—and I rejoice in the conviction—that the Church of England is stronger at this moment than at any period of her history. The disposition of the Church to admit timely and salutary reforms has been one great cause of that strength. A still more efficient cause is the deep religious feeling which has been awakened through the country. The strength of the Church and of religion is not now dependent on the question of two or three votes, more or iess, in this House. The Church is strong enough to be independent on all essential points of the decisions of this House. It is rooted in the affections of the people ; and it is a disparagement to religion and to the Church to contend that the safety of either depends upon the continued exclusion from this assembly of the Baron de Rothschild or three or four gentlemen of

the Jewish faith. Were it not for the internal dissensions within the Church itself, the Church would be stronger at this moment, after the successive relaxation of disabling laws, than it was even at the period when you required conformity to the faith of the Church as an essential qualification for Parliament.

I cannot then assign danger to the Church as a reason for excluding the Jew. At the same time, I deeply regret that the feelings of zealous and pious Christians should be wounded by the omission from an oath of the words "on the true faith of a Christian." Believing, however, the impression with regard both to the original intent and the effect of those words to be erroneous: seeing that it is an error to suppose they have formed a part of the qualification for Parliament for an uninterrupted period since their first introduction in the reign of James I., inasmuch as they were "utterly abrogated, repealed, and done away" at the time of the Revolution, and were only revived thirteen years afterwards for a purely political purpose: seeing that it is an error to suppose that they are now required for every member of the legislature, inasmuch as they are waived in the case of the Quaker, the Moravian, and the Separatist:—I cannot think it just to continue the exclusion of the Jew from deference to conscientious but erroneous impressions.

I own, Sir, that I do cordially rejoice that I can find no constitutional impediment to the complete admission of the Jew to the right of a British subject. If there be a class of our fellow-beings to whom reparation is due from every Christian State in Europe — reparation for centuries of calumny, persecution, and wrong—the Jews are that class. I defy you to read the early history of this country, narrated, not by indignant Jews, but by the popular historians of your own faith, without shuddering at the atrocities committed by Christian sovereigns and a Christian people. Hume says, "Our ideas scarcely come up to the extortions which we find to have been practised upon the Jews." Speaking of King Henry III., and detailing his unjust demands for money and his threats to hang the Jews if they refused compliance, he says, "The King then delivered over the Jews to the Earl of Cornwall, that those whom one brother had flayed the other might embowel." He remarks that "the acts of violence against the Jews proceeded much from bigotry, but more from avidity and rapine."

Even in that age these things would not have been done or tolerated but for deep-rooted prejudices and widespread antipathy to the Jews, on account of their religious faith. Are we quite sure that the same prejudices — the same antipathy— do not still exist? We disclaim them within these

walls ; but are they not the real cause of much of the opposition to the relief of the Jew from civil disabilities ? Of this I am confident, that within the present century both the people and the Government of this country have been influenced by some such unworthy feelings. It was the deference to irrational prejudice that induced the ministry in 1753 to propose the repeal of the Act for the naturalization of foreign Jews, passed in the preceding year. The most disgraceful day in the annals of the British Parliament was that on which the Duke of Newcastle, the first minister of the Crown, proposed the repeal of that Act. A general election was impending — great excitement prevailed — excitement of such a nature that the member for Exeter, who had voted in favor of the Jews, was denounced as a Jew, and was compelled to appease his constituents by citing, in proof of his Christianity, the fact that he had repeatedly travelled on a Saturday, the Jewish Sabbath.

The Lord Chancellor, in his place in the House of Lords, condescended to vindicate the Government for proposing the repeal of the naturalization act by such arguments as these : Speaking of the Jews, and the popular feelings towards them, Lord Hardwicke observed : "By our laws they may be protected from any open violence or direct assault ; but whilst the people are so highly and so generally exasperated against them as they everywhere

appear to be at present, they will be exposed to daily insults and vexations which no law can provide against or punish, especially in this country, where no man, not even the King himself, is vested with absolute power, and where every magistrate is obliged to confine himself within the letter of the law. Therefore, whilst the people continue in their present humor, it will be impossible for any Jew, rich or poor, to live here with the same ease and security which he did before that law was passed."

Again: "I am convinced that the ill-humor of the people would before now have broken out, if it had not been for the hope that as soon as Parliament met the law would be repealed; and if they were to see two or three dozen of their countrymen hanged every session for mobbing or murdering the Jews, I believe it would not contribute towards restoring them to good-humor, especially as many of them would find — at least imagine — that the Jews interfered with them in their trade or business."

For such reasons as these, in avowed obedience to the most irrational and vulgar prejudices, a slight privilege conceded to the Jews in 1752 was suddenly withdrawn in 1753, by the same ministers and the same Parliament by which it had been granted.

I have cited the authority of Hume for the

cruelties practised in England upon the Jews during the reigns of King John and his successor. Let me read an extract from another historian, Sharon Turner, containing a brief summary of the persecutions to which this unhappy people were subject in this country and other parts of Europe: "When we recollect their massacre along the Rhine in 1096, and in England in the time of Richard I., and read of their repeated destructions in Germany: in 1221 at Erfurt; in 1263 at Fulda, when, on an accusation of their killing Christian boys for their blood, the Emperor ordered an inquiry whether Christian blood was a necessary part of their Passover, to which the official answer was that nothing certain was known on the subject; in 1240 at Frankfurt, 'with fire and sword'; in 1282 at Mentz and other places; in 1298 at Nuremberg and through all Franconia; that they were also exterminated from Bavaria; that in 1348, 1349, and 1350 they were killed 'like cattle,' and mercilessly burned in great numbers at Basle, Freiburg, Spires, Worms, Frankfurt, Mentz, Alsace, Cologne, and in every part of Germany; when we recall to mind that these are only specimens of what they endured in other places, and were for several centuries in perpetual danger of everywhere suffering, we can hardly persuade ourselves that any remnant of the nation so bitterly persecuted can now be surviving."

They have survived, having borne their wrongs with exemplary patience and resignation. Suppose the result of these bitter persecutions had been to make the Jews a degraded race — suppose "the iron had entered into their souls"; suppose they had been so bowed down, as to have become

"Curvæ in terris animæ ac cœlestium inanes,"

who would be responsible for their degradation?

If the Jews were debased or inferior in moral worth to Christians, could that debasement and inferiority — the natural result of oppression — be now assigned with any semblance of justice as an impediment to the grant of equal rights to the Jews? Could the Christian rulers of Europe justly reproach the Jews for continuing a separate people, and for being deficient in ardent patriotism and devoted attachment to the institutions under which such wrongs had been inflicted? Could they be astonished if, vexed by repeated persecutions, the Jews permitted the past, the distant, and the future, to predominate over the present? — if, sitting down by the waters of strange lands, they wept when they remembered Sion?

But, according to your own acknowledgment, the Jews have not been debased. In point of courage, of moral worth, of intellectual power, of mental acquirements, they yield precedence to none. They have been faithful subjects of the

Crown ; in the times of severe trial, at home or abroad, their loyalty has never wavered. On what ground, then, do you justify their exclusion from any privilege of a Protestant subject ? Are they not so far entitled to our confidence that they may be qualified for a trust which they cannot exercise except through the good will of Christian constituencies ?

It may be that considerations of the past — that the desire to make reparation for former wrongs — ought not to control or influence our judgment ; but they may so far operate as to inculcate the duty of mature reflection whether we cannot reconcile our feelings with our duty, and to increase our satisfaction if we find that they are not incompatible.

I have other motives that weigh with me. There are countries in which the Jews are still subject to persecution and cruel oppression. Twice within the last three or four years has a British subject distinguished for his benevolence and philanthropy, Sir Moses Montefiore, repaired to distant lands, in the hope of mitigating the hard lot of the suffering Jews. He repaired to St. Petersburg for the purpose of imploring mercy towards the Jews in Poland. He repaired to the East for the purpose of relieving, if possible, the Jews in Palestine from shameful wrongs, perpetrated on the pretext that they murdered Christian children

in order that their blood might be available for the Passover.

He carried with him letters of recommendation from British ministers, certifying his high character for integrity and honor and the purity of the motives by which he was actuated. How much more persuasive would those letters have been if they could have announced the fact that every ancient prejudice against the Jews had been extinguished here, and that the Jew was on a perfect equality, as to civil rights, with his Christian fellow-citizen. Place him on that footing of perfect equality, and the influence of your benevolent legislation will extend far beyond the narrow limits of your own country. You will exercise an authority and jurisdiction, even in foreign countries, which laws, however jealous of external interference, cannot exclude — the moral authority of a just and benevolent example. You will offer consolation to many a wounded spirit, and weaken the force of the prejudices and antipathies which harden the heart against the impulses of humanity ; at any rate you will make it impossible to justify those prejudices by the example of England.

It remains for me to refer to the argument against the removal of Jewish disabilities which was chiefly relied on by my right honorable friend [Mr. Goulburn], and urged by him with great force and effect.

My right honorable friend says that there are many zealous Christians who, from the deepest conviction and the purest motives, devote their lives to the propagation of divine truth and the reclamation of the ignorant and the guilty from sin and error. He says, justly, that we possess an extended empire, bringing us into contact with gross ignorance and superstition, which pious missionaries are laboring to extirpate. He fears that their zeal will be relaxed and their exertions paralyzed if the legislature should manifest that indifference towards divine truth which might be implied by the admission of the Jew to the legislature, and by thus relinquishing the distinguishing character of a Christian Parliament. I concur with my right honorable friend that vast dominion imposes upon us the gravest responsibility. That dominion may be destined by Providence to advance much higher purposes than the aggrandizement of empire, or the extension of commerce. Empire and commerce may be means towards a great end ; they may be the avenues through which the light of knowledge is to penetrate the cloud of error, through which "the dayspring from on high is to visit those that sit in darkness, and in the shadow of death." I agree with him that if by assenting to this measure indifference towards divine truth could be justly imputed to us — if the suspicion of it should relax the zeal or defeat the exertions of devout and

pious men laboring in the cause of true religion — such a result would be a lamentable one, with evil consequences far outweighing any which could arise from the continued disabilities of the Jews.

My right honorable friend contends that even if the zeal of the pious missionary should not be damped by our misconduct — if he should still continue to enforce the truths of Christianity — yet if it came to the knowledge of those to whom these truths were addressed that at home the distinction between Christians and Jews had been abolished by admitting the Jews to legislative functions, the millions of heathens whom Providence has placed under our rule would be shocked by our inconsistency, and would be unwilling to assent to doctrines which we ourselves appeared to repudiate.

I cannot concur in the apprehensions of my right honorable friend. Let me take the natives of some distant country, utterly ignorant of the truths of the Gospel, but not insensible to the force of reason. If you could tell them that your policy towards the Jew was that of the reign of Richard I. or of the Spanish Inquisition — that you so abominated the crime which his ancestors had committed and so detested his unbelief that you would hold no communion with him — that by your laws he was subject to banishment and torture—the heathen might think you deficient in charity, but give you

credit for your devotion to the true faith. But if you told the heathen, as you must tell him, that your relation to the Jew was not very well defined — that you lived on friendly terms with the Jew — that you imposed on him all the burdens to which a British subject was liable — that you freely borrowed his money — that the Jew might dispense justice as a magistrate — that he might be Lord Mayor of the city of London — that he was qualified for almost all civil offices — that he might elect members of Parliament, but that, from zeal for the Christian faith, you could not allow the Jew to be a member himself — surely this appeal, however consistent with the truth, would not make a powerful impression on his mind.

Try the force of another appeal. Tell the heathen of the wrongs which Christian States have inflicted on the Jews ; tell him that we live under a Constitution which knows no distinction among British subjects as to civil rights — that we profess a religion which commands us to be forbearing and forgiving towards one another — that we serve a God whose almighty power is most chiefly declared by showing mercy and pity — that we worship a Redeemer who inculcated by His life, and sanctified by His death, the precepts of Christian charity; tell him that, in humble obedience to these precepts, we have given to the Jews the same benefits and privileges we possess ourselves — try the

force of that appeal, and it will not be made in vain.

It is for these reasons—because I believe it to be in conformity with the enlarged and comprehensive spirit of the British Constitution that these disqualifications should no longer exist; because I rejoice in the opportunity of making reparation for the injuries and persecutions of former times; because I think the Jew has fairly earned the privileges which it is proposed to extend to him, by patience and forbearance, by tried fidelity and loyalty; but above all, because I am one of a Christian people, because I am a member of a Christian legislature, I will perform an act which I believe to be in strict conformity with the spirit and precepts of the Christian religion. We are commanded by that religion, as the condition of our own forgiveness, to forgive those who have trespassed against us. That duty is not in this case imposed upon us; but there is another duty, as sacred in point of moral obligation, and more trying to human pride, namely, that we should forgive those against whom we have trespassed. Sir, I shall give my cordial support to the bill before the House.

LORD MACAULAY

Thomas Babington Macaulay, orator, statesman, essayist, poet, historian, critic, scholar, was born in 1800. He entered Cambridge in 1818, and soon achieved a brilliant reputation as scholar and debater. For some years he devoted himself to literature, but in 1830 he entered Parliament, and at once took a prominent stand in the House. In 1832 he was made Secretary of the Board of Control for India, and in 1833 went to that country as member of the Supreme Council. He returned to England in 1838, and reëntered Parliament in the following year. He was successively appointed War-Secretary and Paymaster-General, but in 1847 he lost his seat in the House in consequence of his espousal of the cause of moderation towards the Roman Catholics being resented by the city of Edinburgh, which he represented. Five years later Edinburgh, without even a suggestion from Macaulay, reelected him. In 1848 he published the first two volumes of his famous *History of England*—a work which achieved phenomenal success, rivalling in its editions the most popular fiction. Macaulay was made baron in 1857, and died in 1859; he was buried in Westminster Abbey.

Considered only as an orator, Macaulay was in the front rank. He brought to his work his marvellous resources of command of language, deep learning, quick apprehension, and keen sagacity. His speeches are models of purity, ease, grace, and force, while his reasoning is always clear and sequent, and his conclusions are never forced. If he sometimes sinned on the side of over-smoothness and ornateness, it did not detract from his effectiveness, and he never failed to add weight to the cause he espoused.

The collected works of Macaulay are published in many editions. One of the best biographies is that by his nephew, George Otto Trevelyan, M.P., entitled *The Life and Letters of Lord Macaulay* (1876).

ON THE DISABILITIES OF THE JEWS

Lord Macaulay.

On April 17, 1833, there came up in the House of Commons an important question : important in its relation to the progress of civilization as well as its immediate results to the British nation. This question was as to the advisability of removing the civil disabilities under which the Jews had for so many centuries labored in England. After a spirited debate, the resolution was passed without a division, and it was during this debate that Lord Macaulay made the following speech.

MR. WARBURTON : I recollect, and my honorable friend, the member for the University of Oxford, will recollect, that, when this subject was discussed three years ago, it was remarked by one whom we both loved and whom we both regret that the strength of the case of the Jews was a serious inconvenience to their advocate, for that it was hardly possible to make a speech for them without wearying the audience by repeating truths which were universally admitted. If Sir James Mackintosh felt this difficulty when the question was first brought forward in this House, I may well despair of being able now to offer any arguments which have a pretence to novelty.

My honorable friend, the member for the University of Oxford, began his speech by declaring that he had no intention of calling in question the principles of religious liberty. He utterly disclaims persecution — that is to say, persecution as defined by himself. It would, in his opinion, be persecution to hang a Jew, or to flay him, or to draw his teeth, or to imprison him, or to fine him ; for every man who conducts himself peaceably has a right to his life and his limbs, to his personal liberty and his property. But it is not persecution, says my honorable friend, to exclude any individual or any class from office, for nobody has a right to office ; in every country official appointments must be subject to such regulations as the supreme authority may choose to make ; nor can any such regulations be reasonably complained of by any member of this society as unjust. He who obtains an office obtains it, not as a matter of right, but as a matter of favor. He who does not obtain an office is not wronged ; he is only in that situation in which the vast majority of every community must necessarily be. There are in the United Kingdom five and twenty million Christians without places, and, if they do not complain, why should five and twenty thousand Jews complain of being in the same case ? In this way my honorable friend has convinced himself that, as it would be most absurd in him and me to say that we are wronged because

we are not Secretaries of State, so it is most absurd in the Jews to say they are wronged because they are, as a people, excluded from public employment.

Now, surely my honorable friend cannot have considered to what conclusions his reasoning leads. Those conclusions are so monstrous that he would, I am certain, shrink from them. Does he really mean that it would not be wrong in the legislature to enact that no man should be a judge unless he weighed twelve stone, or that no man should sit in Parliament unless he were six feet high? We are about to bring in a bill for the government of India. Suppose that we were to insert in that bill a clause providing that no graduate of the University of Oxford should be Governor-General or Governor of any Presidency: would not my honorable friend cry out against such a clause as most unjust to the learned body which he represents? And would he think himself sufficiently answered by being told, in his own words, that the appointment to office is a mere matter of favor, and that to exclude an individual or a class from office is no injury? Surely, on consideration, he must admit that official appointments ought not to be subject to regulations purely arbitrary, to regulations for which no reason can be given but mere caprice, and that those who would exclude any class from public employment are

bound to show some special reason for the exclusion.

My honorable friend has appealed to us as Christians. Let me then ask him how he understands that great commandment which comprises the law and the prophets. Can we be said to do unto others as we would that they should do unto us if we wantonly inflict on them even the smallest pain? As Christians, surely we are bound to consider first, whether, by excluding the Jews from all public trust, we give them pain; and, secondly, whether it be necessary to give them that pain in order to avert some greater evil. That by excluding them from public trust we inflict pain on them my honorable friend will not dispute. As a Christian, therefore, he is bound to relieve them from that pain, unless he can show, what I am sure he has not yet shown, that it is necessary to the general good that they should continue to suffer.

But where, he says, are you to stop, if once you admit into the House of Commons people who deny the authority of the Gospels? Will you let in a Mussulman? Will you let in a Parsee? Will you let in a Hindoo, who worships a lump of stone with seven heads? I will answer my honorable friend's question by another. Where does he mean to stop? Is he ready to roast unbelievers at slow fires? If not, let him tell us why; and I will engage

to prove that his reason is just as decisive against the intolerance which he thinks a duty as against the intolerance which he thinks a crime. Once admit that we are bound to inflict pain on a man because he is not of our religion, and where are you to stop? Why stop at the point fixed by my honorable friend rather than at the point fixed by the honorable member for Oldham, who would make the Jews incapable of holding land? And why stop at that point fixed by the honorable member for Oldham rather than at the point which would have been fixed by a Spanish Inquisitor of the sixteenth century? When once you enter on a course of persecution, I defy you to find any reason for making a halt till you have reached the extreme point. When my honorable friend tells us that he will allow the Jews to possess property to any amount, but that he will not allow them to possess the smallest political power, he holds contradictory language. Property is power. The honorable member for Oldham reasons better than my honorable friend. The honorable member for Oldham sees clearly that it is impossible to deprive a man of political power if you suffer him to be the proprietor of half a county, and therefore very consistently proposes to confiscate the landed estates of the Jews. But even the honorable member for Oldham does not go far enough. He has not proposed to confiscate the personal property of the Jews.

Yet it is perfectly certain that any Jew who has a million may easily make himself very important in the State. By such steps we pass from official power to landed property, and from landed property to personal property, and from property to liberty, and from liberty to life. In truth those persecutors who use the rack and the stake have much to say for themselves. They are convinced that their end is good; and it must be admitted that they employ means which are not unlikely to attain the end. Religious dissent has repeatedly been put down by sanguinary persecutions. In that way the Albigenses were put down. In that way Protestantism was suppressed in Spain and Italy, so that it has never since reared its head. But I defy anybody to produce an instance in which disabilities such as we are now considering have produced any other effect than that of making the sufferer angry and obstinate. My honorable friend should either persecute to some purpose, or not persecute at all. He dislikes the word *persecution,* I know. He will not admit that the Jews are persecuted. And yet I am confident that he would rather be sent to the King's Bench Prison for three months, or be fined a hundred pounds, than be subject to the disabilities under which the Jews lie. How can he then say to impose such disabilities is not persecution, and that to fine and imprison is persecution? All his reasoning consists in drawing

arbitrary lines. What he does not wish to inflict he calls persecution. What he does wish to inflict he will not call persecution. What he takes from the Jews he calls political power. What he is too good-natured to take from the Jews he will not call political power. The Jew must not sit in Parliament; but he may be the proprietor of all the ten-pound houses in a borough. He may have more fifty-pound tenants than any peer in the kingdom. He may give the voters treats to please their palates, and hire bands of gipsies to break their heads, as if he were a Christian and a marquess. All the rest of this system is of a piece. The Jew may be a juryman, but not a judge. He may decide issues of fact, but not issues of law. He may give a hundred thousand pounds damages; but he may not in the most trivial case grant a new trial. He may rule the money market; he may influence the exchanges; he may be summoned to congresses of emperors and kings. Great potentates, instead of negotiating a loan with him by tying him in a chair and pulling out his grinders, may treat with him as with a great potentate, and may postpone the declaring of war or the signing of a treaty till they have conferred with him. All this is as it should be; but he must not be a Privy Councillor. He must not be called Right Honorable, for that is political power. And who is it that we are trying to cheat in this way? Even Omniscience. Yes,

Sir; we have been gravely told that the Jews are under the divine displeasure, and that if we give them political power God will visit us in judgment. Do we then think that God cannot distinguish between substance and form? Does not He know that, while we withhold from the Jews the semblance and name of political power, we suffer them to possess the substance? The plain truth is that my honorable friend is drawn in one direction by his opinions, and in a directly opposite direction by his excellent heart. He halts between two opinions. He tries to make a compromise between principles which admit of no compromise. He goes a certain way in intolerance. Then he stops, without being able to give a reason for stopping. But I know the reason. It is his humanity. Those who formerly dragged the Jew at a horse's tail, and singed his beard with blazing furze bushes, were much worse men than my honorable friend; but they were more consistent than he.

It has been said that it would be monstrous to see a Jew judge try a man for blasphemy. In my opinion it is monstrous to see any judge try a man for blasphemy under the present law. But, if the law on that subject were in a sound state, I do not see why a conscientious Jew might not try a blasphemer. Every man, I think, ought to be at liberty to discuss the evidences of religion; but no man ought to be at liberty to force on the unwilling

ears and eyes of others sounds and sights which must cause annoyance and irritation. The distinction is clear. I think it wrong to punish a man for selling Paine's *Age of Reason* in a back shop to those who choose to buy, or for delivering a deistical lecture in a private room to those who choose to listen. But if a man exhibits at a window in the Strand a hideous caricature of that which is an object of awe and adoration to nine hundred and ninety-nine out of every thousand of the people who pass up and down that great thoroughfare; if a man, in a place of public resort, applies opprobrious epithets to names held in reverence by all Christians; such a man ought, in my opinion, to be severely punished, not for differing from us in opinion, but for committing a nuisance which gives us pain and disgust. He is no more entitled to outrage our feelings by obtruding his impiety on us and to say that he is exercising his right of discussion, than to establish a yard for butchering horses close to our houses and to say that he is exercising his right of property, or to run naked up and down the public streets and to say that he is exercising his right of locomotion. He has a right of discussion, no doubt, as he has a right of property and a right of locomotion. But he must use all his rights so as not to infringe the rights of others.

These, Sir, are the principles on which I would frame the law of blasphemy; and, if the law were

so framed, I am at a loss to understand why a Jew might not enforce it as well as a Christian. I am not a Roman Catholic; but if I were a judge at Malta, I should have no scruples about punishing a bigoted Protestant who should burn the Pope in effigy before the eyes of thousands of Roman Catholics. I am not a Mussulman; but if I were a judge in India, I should have no scruples about punishing a Christian who should pollute a mosque. Why, then, should I doubt that a Jew, raised by his ability, learning, and integrity to the judicial bench, would deal properly with any person who, in a Christian country, should insult the Christian religion?

But, says my honorable friend, it has been prophesied that the Jews are to be wanderers on the face of the earth, and that they are not to mix on terms of equality with the people of the countries in which they sojourn. Now, Sir, I am confident that I can demonstrate that this is not the sense of any prophecy which is part of Holy Writ. For it is an undoubted fact that, in the United States of America, Jewish citizens do possess all the privileges possessed by Christian citizens. Therefore, if the prophecies mean that the Jews never shall, during their wanderings, be admitted by other nations to equal participation of political rights, the prophecies are false. Therefore their meaning cannot be that which is attributed to them by my honorable friend.

Another objection which has been made to this motion is that the Jews look forward to the coming of a great deliverer, to their return to Palestine, to the rebuilding of their temple, to the revival of their ancient worship, and that therefore they will always consider England, not their country, but merely as their place of exile. But, surely, Sir, it would be the grossest ignorance of human nature to imagine that the anticipation of an event which is to happen at some time altogether indefinite, of an event which has been vainly expected during many centuries, of an event which even those who confidently expect that it will happen do not confidently expect that they or their children or their grandchildren will see, can ever occupy the minds of men to such a degree as to make them regardless of what is near and present and certain. Indeed, Christians, as well as Jews, believe that the existing order of things will come to an end. Many Christians believe that Jesus will visibly reign on earth during a thousand years. Expositors of prophecy have gone so far as to fix the year when the millennial period is to commence. The prevailing opinion is, I think, in favor of the year 1866 ; but, according to some commentators, the time is close at hand. Are we to exclude all Millennarians from Parliament and office, on the ground that they are impatiently looking forward to the miraculous monarchy which is to supersede

the present dynasty and the present Constitution of England, and that therefore they cannot be heartily loyal to King William?

In one important point, Sir, my honorable friend, the member for the University of Oxford, must acknowledge that the Jewish religion is of all erroneous religions the least mischievous. There is not the slightest chance that the Jewish religion will spread. The Jew does not wish to make proselytes. He may be said to reject them. He thinks it almost culpable in one who does not belong to his race to presume to belong to his religion. It is therefore not strange that a conversion from Christianity to Judaism should be a rarer occurrence than a total eclipse of the sun. There was one distinguished convert in the last century, Lord George Gordon; and the history of his conversion deserves to be remembered. For if ever there was a proselyte of whom a proselytizing sect would have been proud, it was Lord George; not only because he was a man of high birth and rank; not only because he had been a member of the legislature; but also because he had been distinguished by the intolerance, nay, the ferocity, of his zeal for his own form of Christianity. But was he allured into the Synagogue? Was he even welcomed to it? No, Sir; he was coldly and reluctantly permitted to share the reproach and suffering of the chosen people; but he was

sternly shut out from their privileges. He underwent the painful rite which their law enjoins. But when, on his death-bed, he begged hard to be buried among them according to their ceremonial, he was told that his request could not be granted. I understand that cry of "Hear!" It reminds me that one of the arguments against this motion is that the Jews are an unsocial people, that they draw too close to each other, and stand aloof from strangers. Really, Sir, it is amusing to compare the manner in which the question of Catholic emancipation was argued formerly by some gentlemen with the manner in which the question of Jew emancipation is argued by the same gentlemen now. When the question was about Catholic emancipation, the cry was: "See how restless, how versatile, how encroaching, how insinuating, is the spirit of the Church of Rome. See how her priests compass earth and sea to make one proselyte, how indefatigably they toil, how attentively they study the weak and strong parts of every character, how skilfully they employ literature, arts, sciences, as engines for the propagation of their faith. You find them in every region and under every disguise, collating manuscripts in the Bodleian, fixing telescopes in the Observatory of Pekin, teaching the use of the plough and the spinning wheel to the savages of Paraguay. Will you give power to the members of a Church so busy,

so aggressive, so insatiable?" Well, now the question is about people who never try to seduce any stranger to join them, and who do not wish anybody to be of their faith who is not also of their blood. And now you exclaim, "Will you give power to the members of a sect which remains sullenly apart from other sects, which does not invite, nay, which hardly even admits, neophytes?" The truth is that bigotry will never want a pretence. Whatever the sect be which it is proposed to tolerate, the peculiarities of that sect will, for the time, be pronounced by intolerant men to be the most odious and dangerous that can be conceived. As to the Jews, that they are unsocial as respects religion is true; and so much the better: for surely, as Christians, we cannot wish that they should bestir themselves to pervert us from our faith. But that the Jews would be unsocial members of the civil community, if the civil community did its duty by them, has never been proved. My right honorable friend who made the motion which we are discussing has produced a great body of evidence to show that they have been grossly misrepresented; and that evidence has not been refuted by my honorable friend, the member for the University of Oxford. But what if it were true that the Jews are unsocial? What if it were true that they do not regard England as their country? Would not the

treatment which they have undergone explain and excuse their antipathy to the society in which they live? Has not similar antipathy often been felt by persecuted Christians to the society which persecuted them? While the bloody code of Elizabeth was enforced against the English Roman Catholics, what was the patriotism of Roman Catholics? Oliver Cromwell said that in his time they were Espaniolized. At a later period it might have been said that they were Gallicized. It was the same with the Calvinists. What more deadly enemies had France in the days of Louis XIV. than the persecuted Huguenots? But would any rational man infer from these facts that either the Roman Catholic as such, or the Calvinist as such, is incapable of loving the land of his birth? If England were now invaded by Roman Catholics, how many English Roman Catholics would go over to the invader? If France were now attacked by a Protestant enemy, how many French Protestants would lend him help? Why not try what effect would be produced on the Jews by that tolerant policy which has made the English Roman Catholic a good Englishman and the French Calvinist a good Frenchman?

Another charge has been brought against the Jews, not by my honorable friend, the member for the University of Oxford,—he has too much learning and too much good feeling to make such a

charge,—but by the honorable member for Oldham, who, I am sorry to see, quitted his place. The honorable member for Oldham tells us that the Jews are naturally a mean race, a sordid race, a money-getting race ; that they are averse to all honorable callings ; that they neither sow nor reap ; that they have neither flocks nor herds ; that usury is the only pursuit for which they are fit ; that they are destitute of all elevated and amiable sentiments. Such, Sir, has in every age been the reasoning of bigots. They never fail to plead in justification of persecution the vices which persecution has engendered. England has been to the Jews less than half a country ; and we revile them because they do not feel for England more than a half patriotism. We treat them as slaves, and wonder that they do not regard us as brethren. We drive them to mean occupations, and then reproach them for not embracing honorable professions. We long forbade them to possess land ; and we complain that they chiefly occupy themselves in trade. We shut them out from all the paths of ambition ; and then we despise them for taking refuge in avarice. During many ages we have, in all our dealings with them, abused our immense superiority of force ; and then we are disgusted because they have recourse to that cunning which is the natural and universal defence of the weak against the violence of the strong. But were they

always a mere money-changing, money-getting, money-hoarding race? Nobody knows better than my honorable friend, the member for the University of Oxford, that there is nothing in their national character which unfits them for the highest duties of citizens. He knows that, in the infancy of civilization, when our island was as savage as New Guinea, when letters and arts were still unknown to Athens, when scarcely a thatched hut stood on what was afterwards the site of Rome, this contemned people had their fenced cities and cedar palaces, their splendid Temple, their fleets of merchant ships, their schools of sacred learning, their great statesmen and soldiers, their natural philosophers, their historians, and their poets. What nation ever contended more manfully against overwhelming odds for its independence and religion? What nation ever, in its last agonies, gave such signal proofs of what may be accomplished by a brave despair? And if, in the course of many centuries, the oppressed descendants of warriors and sages have degenerated from the qualities of their fathers: if, while excluded from the blessings of law, and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and of slaves, shall we consider this as a matter of reproach to them? Shall we not rather consider it as a matter of shame and remorse to ourselves? Let us do

justice to them. Let us open to them the door of the House of Commons. Let us open to them every career in which ability and energy can be displayed. Till we have done this, let us not presume to say that there is no genius among the countrymen of Isaiah, no heroism among the descendants of the Maccabees.

Sir, in supporting the motion of my honorable friend, I am, I firmly believe, supporting the honor and interests of the Christian religion. I should think that I insulted that religion if I said that it cannot stand unaided by intolerant laws. Without such laws it was established, and without such laws it may be maintained. It triumphed over the superstitions of the most refined and of the most savage nations, over the graceful mythology of Greece and the bloody idolatry of the northern forests. It prevailed over the power and policy of the Roman Empire. It tamed the barbarians by whom that empire was overthrown. But all these victories were gained not by the help of intolerance, but in spite of the opposition of intolerance. The whole history of Christianity proves that she has little indeed to fear from persecution as a foe, but much to fear from persecution as an ally. May she long continue to bless our country with her benignant influence, strong in her sublime philosophy, strong in her spotless morality, strong in those internal and external

evidences to which the most powerful and comprehensive of human intellects have yielded assent, the last solace of those who have outlived every earthly hope, the last restraint of those who are raised above every earthly fear! But let not us, mistaking her character and her interests, fight the battle of truth with the weapon of error, and endeavor to support by oppression that religion which first taught the human race the great lesson of universal charity.

LORD BROUGHAM

Henry Brougham was born at Edinburgh in 1778. His period of life extended over ninety years, during the greater part of which he was the most conspicuous man of his time. He was advocate, judge, scientist, man of letters, statesman, and orator. Brougham was first elected to the House of Commons in 1810, and two years later made known his powers by one of his greatest speeches—that attacking the Orders in Council. In 1820 he defended Queen Caroline in a most remarkable speech, and his victory gave him unbounded popularity. In 1828 he delivered his notable oration on the question of Law Reform, consuming six hours. In 1830 he was returned as member for York on the issue of Reform, and it was said that he was the representative, not of one county, but of the people of England. He was allied to no party, but had the nation at his back, and the Government was absolutely forced to make him Chancellor. In this office, which he held for four years, he displayed untiring energy, but the Reform Bill remained the thing dearest to his heart, and its passage was his greatest triumph. In 1835 he was dismissed from office, the Ministry being overthrown, but he continued to sit in the House of Lords as Baron Brougham and Vaux. But his best days were over, and the remainder of his long life was more of a reminiscence than an influence. He died at Cannes in 1868, and was buried there, though no man ever had greater claims to sepulture in Westminster Abbey than had Lord Brougham.

At his apogee, Brougham dominated as no other orator before or since. His appearance was almost grotesque, but he had a rich and powerful voice, and his command of invective, satire, description, metaphor, pathos, and power, couched in choice and forceful language, never failed to command attention, and often evoked enthusiasm. His sentences

often seemed involved, but he disentangled them with consummate skill, and seemed to delight in such exercise. But he was eccentric and sometimes choleric in his speeches, and this marred some of his best effects. Yet as a parliamentary orator he was unequalled in his day, and never excelled in England.

The best edition of Brougham's collected works is that published by Griffin (1857), and republished by Black (Edinburgh, 1872). His *Autobiography* is interesting, but unreliable.

ON THE ARMY ESTIMATES

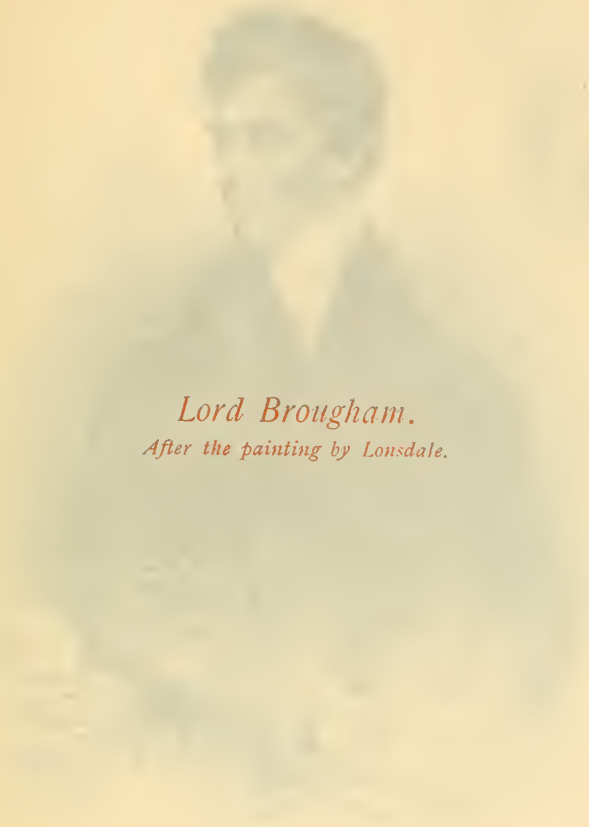
Lord Brougham.

In 1816, in opposition to the desire of Castlereagh to maintain the standing army of England at one hundred and seventy-six thousand men, Mr. Calcraft moved to reduce the appropriation for the Household Troops to one half. These troops had been intended to act as a species of militia for London, not for foreign service, and the attack upon this appropriation was to be followed by others on the whole estimate. Mr. Brougham, as he then was, supported the motion in a speech which well displays his characteristics as an orator, being a combination of boldness, earnestness, and fire. Nevertheless, the amendment was lost, the Ministry being at that time, just after the victory of Waterloo, too powerful to be successfully antagonized.

SIR,—Although I on a former occasion delivered my opinion generally upon these estimates, yet I am anxious now to state my sentiments in more detail upon a subject of such great importance, and the rather because of the defiances flung out from the other side to all of us to go into the examination of it. I stand forward to take up the gauntlet which has been thrown down ; and I affirm that the more minutely you scrutinize the several items of this bill, brought in against the country, the more objectionable you will find them.

I object, in the first place, altogether to the large force of Guards which it is intended to keep

up; and I even protest — though that is a trifle in comparison — but I do protest against the new-fangled French name of Household Troops, under which they are designated, a name borrowed from countries where this portion of the national force is exclusively allotted to protect the prince against a people in whom he cannot trust — is the appointed means given him to maintain his arbitrary power — is the very weapon put into his hands to arm him against the liberties of his country. However appropriate the appellation may be there, it cannot be endured in this nation, where the sovereign ought never to have any reason for distrusting his subjects, and never can be intrusted with any force except that which the defence of his people requires. But the name is of less importance than the thing. Has the noble Lord made out anything like a case for raising the amount of this force to more than double of what it was in 1791? If any such proof had been given, I should not have been found among the opposers of the proposition. But the truth is that, with all the professed anxiety of the noble Lord and his friends to go through the estimates, item by item; with all their pretended readiness and even desire to court full investigation; with all the bluster of their defiance to us, and the bravado more than once used, that we durst not grapple with the question in detail, they have themselves



Lord Brougham.

After the painting by Lonsdale.

wholly shrunk from the inquiry, fled from all particulars, and abandoned all attempts at showing, in any one instance, from any one conclusion, with a view to any single circumstance in the present situation of the country, that there is the shadow of a ground for this increase of force. We had the subject debated generally, indeed, but at great length, a few days ago, on bringing up the report; and it had been repeatedly before the House on former occasions. We have now renewed the discussion on the motion for going into this committee. We have been in the committee for some hours. At this very advanced stage of the debate have we arrived, and though all the members of the Government have addressed themselves to the question, many of them once and again, yet I defy any one to point out a single fact that has been stated, a single argument urged, a single topic used, to prove the necessity which alone can justify the scale these estimates are framed upon. It has, indeed, been said that twenty-four hundred of the Guards are destined for France, where I suppose the army of occupation is required in order to demonstrate how tranquil our famous negotiators have left the whole Continent — how perfectly successful, how absolutely final the grand settlement of all Europe is, upon which we so greatly plume ourselves, and upon which, above all, the political reputation of the noble Lord is

built. But suppose I pass over this, and do not stop to ask what reason there can be for these twenty-four hundred men being Guards, and not simply troops of the line — those troops required to maintain our final and conclusive settlement, and enforce the profound tranquillity in which Europe is everywhere enwrapt; suppose I admit for argument's sake, and in my haste to get at the main question, that these twenty-four hundred Guards may be necessary — what is to be said of all the rest? There remain no less than seventy-six hundred to account for. What reason has been assigned, what attempt ever made by the noble Lord to assign a reason why thirty-six hundred more Guards should be wanted more than in Mr. Pitt's celebrated establishment of 1792? I desire, however, to have this explained — I demand the ground for this enormous augmentation of what you call your "Household Force" — I have a right to know why this increase is called for — I call for the reason of it, and the reason I will have. Deduct all you require, or say you require, for France; what has happened since Mr. Pitt's time to justify you in nearly doubling the number of the Guards? That is the question, and it must be answered to Parliament and to the country—answered, not by vague generalities, by affected anxiety for discussion, by shallow pretences of desire to have the fullest investigation,

by blustering defiances to us, and swaggering taunts that we dare not investigate. We do investigate — we do advance to the conflict — we do go into the details — we do enter upon the items one by one ; and the first that meets us, on the very threshold, and as soon as we have planted a foot upon it, is this doubling of the Guards. Then how do you defend that? Where is the ground for it? What is there to excuse it or explain? Mr. Pitt found four thousand enough in 1792 — then what is there to make seventy-six hundred wanting now? Look at home. Is the country less peaceable now than it was then? Quite the contrary. It was then disturbed : it is now profoundly quiet. Then, although there was no insurrection, nor anything that could be called by such a name,—unless by those who sought a pretext for violating the Constitution, and, by suspending its powers, securing their own,—yet still no man could call the state of the country tranquil. Universal discontent prevailed, here and there amounting to disaffection, and even breaking out into local disorders ; rumors of plots floated everywhere about ; while meetings were held, unmeasured language was used, wild schemes were broached, dangerous associations were formed. Though no man had a right to say that the Government was entitled to pursue unconstitutional courses for meeting those evils,

every man felt obliged to admit that there was reason for much anxiety — that the aspect of things was lowering; the alarm was a natural feeling — that the duty of the executive was to be vigilant and to be prepared. The fears of men whose loyalty was unquestioned, though their wisdom might be doubted, led them a good deal further than this. Meetings were encouraged to address the Crown, and testify the resolution to support its prerogatives. Bonds were entered into for defending the Constitution, believed to be threatened. Pledges of life and fortune were given to stand by the established order of things, and resist to the death all violence that might be directed against it. Parliament was not alone in countenancing these measures, proceeding from alarm. Both Houses addressed the Throne; both joined in asserting the existence of great peril to the Constitution; both declared that the public peace was in danger from the designs of the evil-disposed. To read the language of those times, both in public meetings and their addresses and in parliamentary debates and resolutions of the two Houses, any one would have thought that a wide-spreading disaffection had shot through the land; that the materials of a vast rebellion were everywhere collected; and that the moment was tremblingly expected when some spark lighting on the mass should kindle the whole into a

flame, and wrap the country in destruction. Yet in that state of things, and with these testimonies to its menacing aspect, Mr. Pitt, at the very time when he was patronizing the doctrines of the alarmists, encouraging their movements, and doing all he could to increase rather than allay their fears ; when he was grounding on the panic that prevailed those measures out of which his junction with a part of the Whigs arose, whereby he succeeded in splitting that formidable party, yet never dreamed of such a force as we are now told is necessary for preserving the public peace. He proposed no more than four thousand Guards, and held that amount to be sufficient.

We are challenged to go into particulars ; we are defied to grapple with the question in detail. Then I come to particulars and details with the noble Lord. The main duty of the Guards is the London service ; that is the district to which their force is peculiarly applicable. To keep the peace of this great metropolis is their especial province ; and I grant the high importance of such functions. Then I ask when London was ever more quiet than at this moment ? When were its numerous inhabitants ever more contented, more obedient to the laws, more disinclined to anything like resistance ? At what period of our history was the vast mass of the people, by whom we are surrounded, ever more peaceably disposed, more

unlikely to engage in anything approaching to tumult than now? Why, they have even given over going to public meetings; the very trade of the libeller languishes, if it be not at end, in the general tranquillity and stagnation of these quiet times. All is silence, and indifference, and dulness, and inertness, and assuredly inaction. To the unnatural and costly excitement of war has succeeded a state of collapse, perhaps from exhaustion, but possibly from contrast alone. The mighty events of the latter days, when the materials for the history of a country were crowded into the space of a few months, have left the public mind listless and vacant. The stimulus is withdrawn, and change has had its accustomed sedative influence. They who have been gazing until their eyes ached, and they doubted if they were awake, upon the most prodigious sights ever presented in the political and the moral world — upon empires broken up and formed anew — dynasties extinguished or springing up — the chains cast off by not merely a people, but a hemisphere; and half the globe suddenly covered with free and independent States — wars waged, battles fought, compared to which the heroes of old had only been engaged in skirmishes and sallies—treaties made which disposed of whole continents, and span the fate of millions of men — could hardly fail to find the contemplation of peace flat, stale, and

unprofitable. The eye that had been in vain attempting to follow the swift march of such gigantic events could not dwell with much interest upon the natural course of affairs, so slow in its motion as to appear at rest. And hence, if ever there was a time of utter inaction, of absolute rest in the public mind, it is the hour now chosen for supposing that there exists some danger which requires defensive preparation and the increase of the garrison with which the listless and motionless mass of the London population may be overawed. Why, my honorable and learned friend, the Attorney-General, has had nobody to prosecute for some years past. It is above two years since he filed an *ex-officio* information, unless in the exchequer against smugglers. Jacobinism, the bugbear of 1792, has for the past six years and more never been even named. I doubt if allusion to it has been made in this House, even in a debate upon a King's Speech, since Mr. Pitt's death. And to produce a Jacobin, or a specimen of any other kindred tribe, would, I verily believe, at this time of the day, baffle the skill and the perseverance of the most industrious and most zealous collector of political curiosities to be found in the whole kingdom. What, then, is the danger—what the speculation upon some possible and expected, but non-existing risk — which makes it necessary at this time to augment the force applied to preserve the peace of the metropolis ?

But I fear there are far other designs in this measure than merely to preserve a peace which no man living can have the boldness to contend is in any danger of being broken, and no man living can have the weakness really to be apprehensive about. Empty show, vain parade, will account for the array being acceptable in some high quarters; in others, the force may be recommended by its tending to increase the power of the executive government and extend the influence of the prerogative. In either light, it is most disgustful, most hateful to the eye of every friend of his country, and every one who loves the Constitution — all who have any regard for public liberty, and all who reflect on the burdens imposed upon the people.

But if the internal state of the country offers not the shadow of justification for this increase of force, what shall we say of the state of foreign affairs? Above all, what shall we say of the comparison between the face of those affairs now and its aspect in 1792? That was really a period of external danger. Never was there greater room for anxiety; never had the statesmen, not of England only, but of all Europe, more cause for apprehension and alarm — more occasion for wakefulness to passing events — more ground for being prepared at every point. A prodigious revolution had unchained twenty-six millions of men in the heart of Europe,

gallant, inventive, enterprising, passionately fond of military glory, blindly following the phantom of national renown. Unchained from the fetters that had for ages bound them to their monarchs, they were speedily found to be alike disentangled from the obligations of peaceful conduct toward their neighbors. But they stopped not here. Confounding the abuses in their political institutions with the benefits, they had swept away every vestige of their former polity ; and, disgusted with the rank growth of corruption to which religion had afforded a shelter, they tore up the sacred tree itself, under whose shade France had so long adored and slept. To the fierceness of their warfare against all authority, civil and religious, at home, was added the fiery zeal of proselytism abroad, and they had rushed into a crusade against all existing governments, and on behalf of all nations throughout Europe, proclaiming themselves the redressers of every grievance and the allies of each people that chose to rebel against their rulers. The uniform triumph of these principles at home, in each successive struggle for supremacy, had been followed by success almost as signal against the first attempts to overpower them from without, and all the thrones of the Continent shook before the blast which had breathed life and spirit into all the discontented subjects of each of their trembling possessors. This was the state of things in 1792,

when Mr. Pitt administered the affairs of a nation, certainly far less exposed either to the force or to the blandishments of the revolutionary people, but still very far from being removed above the danger of either their arts or arms; and the existence of peril in both kinds, the fear of France menacing the independence of her neighbors, the risk to our domestic tranquillity from a party at home strongly sympathizing with her sentiments, were the topics upon which both he and his adherents were most prone to dwell in all their discourses of state affairs. Yet in these circumstances, the country thus beset with danger, and the peace thus menaced, both from within and from without, Mr. Pitt was content with half the establishment we are now required to vote! But see only how vast the difference between the present aspect of affairs and that which I have been feebly attempting to sketch from the records of recent history, no page of which any of us can have forgotten! The ground and cause of all peril is exhausted — the object of all the alarms that beset us in 1792 is no more — France no longer menaces the independence of the world, or troubles its repose. By a memorable reverse, not of fortune, but of divine judgments meting out punishment to aggression, France, overrun, reduced, humbled, has become a subject of care and protection, instead of alarm and dismay. Jacobinism itself, arrested by the Directory,

punished by the Consuls, reclaimed by the Emperor, has become attached to the cause of good order, and made to serve it with the zeal, the resources, and the address of a malefactor engaged by the police after the term of his sentence had expired. All is now, universally over the face of the world, wrapped in profound repose. Exhausted from such gigantic exertions as man never made before, either on the same scale or with the like energy, nations and their rulers have all sunk to rest. The general slumber of the times is everywhere unbroken; and if ever a striking contrast was offered to the eye of the observer by the aspect of the world at two different ages, it is that which the present posture of Europe presents to its attitude in Mr. Pitt's time, when, in the midst of wars and rumors of wars, foreign enemies and domestic treason vying together for the mastery, and all pointed against the public peace, he considered a military establishment of half the amount now demanded to be sufficient for keeping the country quiet and repelling foreign aggression as well as subduing domestic revolt.

Driven from the argument of necessity, as the noble Lord seemed to feel assured he should be the moment any one examined the case, he skilfully prepared for his retreat to another position, somewhat less exposed, perhaps, but far enough from being impregnable. You cannot, he said, disband

troops who have so distinguished themselves in the late glorious campaigns. This topic he urged for keeping up the Guards. But, I ask, which of our troops did not equally distinguish themselves? What regiment engaged in the wars failed to cover itself with their glories? This argument, if it has any force at all, may be used against disbanding a single regiment, or discharging a single soldier. Nay, even those who by the chances of war had no opportunity of displaying their courage, their discipline, and their zeal, would be extremely ill treated if they were now to be dismissed the service merely because it was their misfortune not to have enjoyed the same opportunity with others in happier circumstances of sharing in the renown of our victories. It is enough to have been deprived of the laurels which no one doubts they would equally have won had they been called into the field. Surely, surely they might justly complain if to the disappointment were added the being turned out of the service, which no act of theirs had dishonored. I am now speaking the language of the noble Lord's argument, and not of my own. He holds it to be unfair toward the Guards that they should be reduced, after eminently meritorious service — he connects merit with the military state, disgrace, or at least slight, with the loss of a station. He holds the soldier to be preferred, rewarded, distinguished, who is retained in

the army—him to be neglected or ill used, if not stigmatized, who is discharged. His view of the Constitution is that the capacity of the soldier is more honorable and more excellent than that of the citizen. According to his view, therefore, the whole army has the same right to complain with the Guards. But his view is not my view; it is not the view of the Constitution; it is not the view which I can ever consent to assume as just, and to inculcate into the army by acting as if it were just. I never will suffer it to be held out as the principle of our free and popular government that a man is exalted by being made a soldier, and degraded by being restored to the rank of a citizen. I never will allow it to be said that in a country blessed by having a civil, and not a military government; by enjoying the exalted station of a constitutional monarchy, and not being degraded to that of a military despotism, there is any preëminence whatever in the class of citizens which bears arms over the class which cultivates the arts of peace. When it suits the purpose of some argument in behalf of a soldiery who have exceeded the bounds of the law in attacking some assembled force of the people, how often are we told from that bench of office, from the Crown side of the bar, nay, from the bench of justice itself, that, becoming soldiers, men cease not to be citizens, and that this is a glorious peculiarity of our free Constitution?

Then what right can the noble Lord have to consider that the retaining men under arms, and in the pay of the State, is an exaltation and a distinction which they cease to enjoy if restored to the status of ordinary citizens? I read the Constitution in the very opposite sense to the noble Lord's gloss. I have not sojourned in congresses with the military representatives of military powers—I have not frequented the courts, any more than I have followed the camps of these potentates—I have not lived in the company of crowned soldiers, all whose ideas are fashioned upon the rules of drill and the articles of the fifteen manœuvres; all whose estimates of a country's value are framed on the number of troops it will raise, and who can no more sever the idea of a subject from that of a soldier, than if men were born into the world in complete armor, as Minerva started from Jupiter's head. My ideas are more humble and more civic, and the only language I know, or can speak, or can understand in this House, is the mother-tongue of the old English Constitution. I will speak none other—I will suffer none other to be spoken in my presence. Addressing the soldier in that language—which alone above all other men in the country he ought to know; to which alone it peculiarly behooves us that he, the armed man, should be accustomed—I tell him, "You have distinguished yourself—all that the noble Lord says of you is true—nay, under

the truth—you have crowned yourself with the glories of war. But chiefly you, the Guards, you have outshone all others and won for yourself a deathless fame. Now, then, advance and receive your reward. Partake of the benefits you have secured for your grateful country. None are better than you entitled to share in the blessings, the inestimable blessings of peace—than you whose valor has conquered it for us. Go back, then, to the rank of citizen, which, for a season, you quitted at the call of your country. Exalt her glory in peace whom you served in war; and enjoy the rich recompense of all your toils in the tranquil retreat from dangers which her gratitude bestows upon you." I know this to be the language of the Constitution, and time was when none other could be spoken, or would have been understood, in this House. I still hope that no one will dare use any other in this country; and, least of all, can any other be endured as addressed to the soldiery in arms, treating them as if they were the hired partisans of the Prince, a caste set apart for his service and distinguished from all the rest of their countrymen, not a class of the people devoting themselves for a season to carry arms in defence of the nation, and, when their services are wanted no more, retiring naturally to mix with and be lost in the mass of their fellow-citizens.

But it has been said that there is injustice and

ingratitude in the country turning adrift her defenders as soon as the war is ended, and we are tauntingly asked, "Is this the return you make to the men who have fought your battles? When the peace comes which they have conquered, do you wish to starve them or send them off to sweep the streets?" I wish no such thing; I do not wish that they should go unrequited for their services. But I cannot allow that the only, or the best, or even a lawful mode of recompensing them, is to keep on foot during peace the army which they compose, still less that it is any hardship whatever for a soldier to return into the rank of citizens when the necessity is at an end which alone justified his leaving those ranks. Nor can I believe that it is a rational way of showing our gratitude toward the army, whose only valuable service has been to gain us an honorable peace, to maintain an establishment for their behoof which must deprive the peace of all its value and neutralize the benefits which they have conferred upon us.

See, too, the gross inconsistency of this argument with your whole conduct. How do you treat the common sailors who compose our invincible navy? All are at once dismissed. The *Victory,* which carried Nelson's flag to his invariable and undying triumphs, is actually laid up in ordinary, and her crew disbanded to seek a precarious subsistence where some hard fortune may lead them.

Who will have the front to contend that the followers of Nelson are less the glory and the saviors of their country than the soldiers of the Guards? Yet who is there candid enough to say one word in their behalf, when we hear so much of the injustice of disbanding our army after its victories? Who has ever complained of that being done to the seaman which is said to be impossible in the soldier's case? But where is the difference? Simply this: That the maintenance of the navy in time of peace never can be dangerous to the liberties of the country, like the keeping up of a standing army; and that a naval force gives no gratification to the miserable, paltry love of show which rages in some quarters and is to be consulted in all our arrangements of our affairs, to the exclusion of every higher and worthier consideration.

After the great constitutional question to which I have directed your attention, you will hardly bear with me while I examine these estimates in any detail. This, however, I must say, that nothing can be more scandalous than the extravagance of maintaining the establishment of the Guards at the expense of troops of the line, which cost the country so much less. Compare the charge of two thousand Guards with an equal number of the line, and you will find the difference of the two amounts to be above ten thousand pounds a year. It is

true that this sum is not very large, and compared to our whole expenditure it amounts to nothing. But in a State burdened as ours is there can be no such thing as a small saving; the people had far rather see millions spent upon necessary objects than thousands squandered unnecessarily and upon matters of mere superfluity; nor can anything be more insulting to their feelings, and less bearable by them, than to see us here underrating the importance even of the most inconsiderable sum that can be added to or taken from the intolerable burdens under which they labor.

As for the pretext set up to-night that the question is concluded by the vote of last Friday, nothing can be more ridiculous. This House can never be so bound. If it could, then it may any hour be made the victim of surprise, and the utmost encouragement is held out to tricks and manœuvres. If you voted too many men before, you can now make that vote harmless and inoperative by withholding the supplies necessary for keeping those men on foot. As well may it be contended that the House is precluded from throwing out a bill on the third reading, because it affirmed the principle by its vote on the second and sanctioned the details by receiving the committee's report.

The estimate before you is three hundred and eighty-five thousand pounds, for the support of eight thousand one hundred Guards. Adopt my

honorable friend's amendment, and you reduce them to about four thousand, which is still somewhat above their number in the last peace.

Sir, I have done. I have discharged my duty to the country ; I have accepted the challenge of the ministers to discuss the question ; I have met them fairly, and grappled with the body of the argument. I may very possibly have failed to convince the House that this establishment is enormous and unjustifiable, whether we regard the burdened condition of the country, or the tranquil state of its affairs at home, or the universal repose in which the world is lulled, or the experience of former times, or the mischievous tendency of large standing armies in a constitutional point of view, or the dangerous nature of the argument urged in their support upon the present occasion. All this I feel very deeply ; and I am also very sensible how likely it is that, on taking another view, you should come to an opposite determination. Be it so ; I have done my duty ; I have entered my protest. It cannot be laid to my charge that a force is to be maintained, in profound and general peace, twice as great as was formerly deemed sufficient when all Europe was involved in domestic troubles, and war raged in some parts and was about to spread over the whole. It is not my fault that peace will have returned without its accustomed blessings ; that our burdens are to remain undiminished ;

that our liberties are to be menaced by a standing army, without the pretence of necessity in any quarter to justify its continuance. The blame is not mine that a brilliant and costly army of Household Troops, of unprecedented numbers, is allowed to the Crown without the shadow of use, unless it be to pamper a vicious appetite for military show, to gratify a passion for parade, childish and contemptible ; unless, indeed, that nothing can be an object of contempt which is at once dangerous to the Constitution of the country and burdensome to the resources of the people. I shall further record my resistance to this system by my vote ; and never did I give my voice to any proposition with more hearty satisfaction than I now do to the amendment of my honorable friend.

LORD LYTTON

Edward Bulwer Lytton, one of the most distinguished men of letters of his time, was born in 1805. He early displayed marked literary talent, and at twenty-two published his first romance, *Falkland.* This was not successful, but *Pelham,* which appeared the following year, brought him wide reputation. He continued to write, but was also interested in politics, and in 1831 became a member of the House. Here he soon became well and favorably known as a speaker, his efforts in the cause of social reform bringing him great popularity. He left the House in 1841, but returned in 1852, and in 1858–59 was Colonial Secretary. In 1866 he was created Baron Lytton. The latter part of his life was entirely devoted to authorship. He died in 1873.

Bulwer was an effective speaker, but, unless under the influence of sudden excitement, his style was too cold and formal. He always prepared his speeches with great care ; hence they lacked spontaneity. He was, as a matter of course with so accomplished a master of English, easy and graceful in his diction, and his periods were rounded and flowing.

Bulwer's collected novels are published in many editions. His speeches, with prefatory memoir by his son, are published by Blackwood (Edinburgh, 2 vols., 1874).

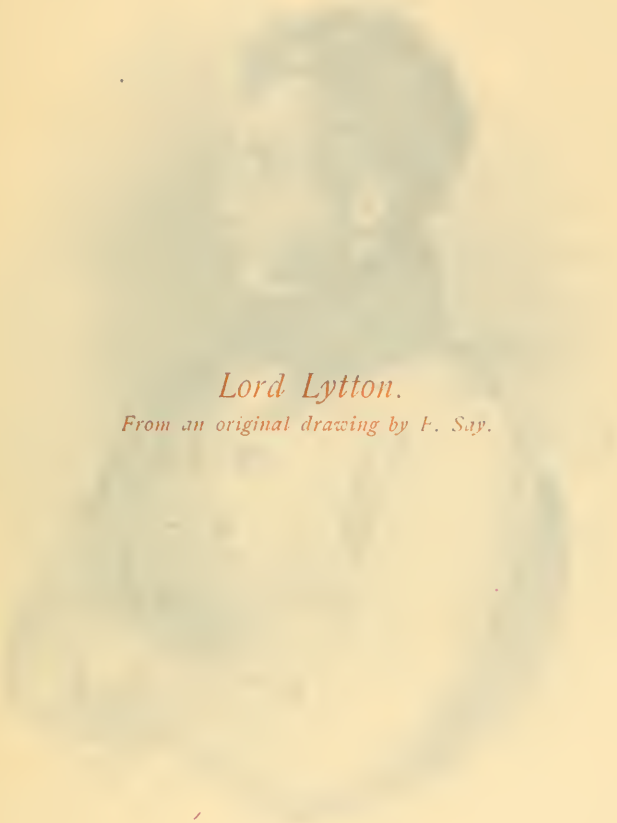
ON THE REFORM BILL

Bulwer Lytton.

The following speech was made on the occasion of the debate on Lord John Russell's "Bill to Amend the Representation of the People of England and Wales." An amendment was offered to the effect that the consideration of the Bill should be postponed for three months; the discussion of the amendment lasted for three nights, and on the second of these Bulwer spoke as follows.

SIR,—So far as the people are concerned, it is not denied that the Bill is already carried; and the late election alone has rendered it idle and superfluous to insist on those more popular measures which, though founded at first on just reasoning, might now assume the appearance of unnecessary declaration. But I am glad to perceive that it is chiefly on the supposition that it is the tendency of the proposed Bill to affect not only the illegitimate influence but the due and wholesome power of the aristocracy that the more enlightened and independent of the anti-Reformers are disposed to consider the question. It is on this ground that I am desirous of meeting them. I will not challenge their premises, I will only combat their conclusion; and since, notwithstanding some remarks that have fallen from the noble Lord, the member for Wootten Basset, I am not yet so imbued with

that spirit which must more or less pervade all political parties as to feel my regard for principles at once strengthened and embittered by an habitual conflict with persons, I trust that I shall not lose the attention of the honorable gentlemen on this side of the House if I refrain from exciting it by the harsh vituperations that have been so lavishly bestowed on our opponents. On the other hand, I trust that I shall be judged by the honorable members opposite by the general tenor of the few observations I am about to make, and not by the verbal inaccuracy, or the unguarded heat of expression, which are necessarily incident to a want of practice in public speaking in general and to a want of knowledge of this House in particular. I shall proceed, without further preamble, to what has long seemed to me the strongest, and is now the most ostensible, ground on which the anti-Reformers rest — namely, the probable manner in which the proposed Bill was to affect the power of the aristocracy. And when we speak of the power of any political body distinct from the people, we must remember that that power is at this day solely the creature of public opinion ; and that it is only in proportion as it loses or gains in public opinion that that power can really be said to be lessened or increased. Admitting this fact, which is so indisputable as to have passed into a truism, and glancing over the aspect of affairs, will



Lord Lytton.

From an original drawing by F. Say.

any man say that the power of the aristocracy is now so safe, so secure in public opinion that it ought at once to resist the idea of change? On the contrary, can any man note the commonest signs of the times, attend any political meeting, read any political writing, have the most shallow acquaintance with the organs of political opinion, and not confess that so deep is the demarcation between the aristocracy and the people that it has become sufficient alone to obtain popular suffrage, to declaim, however ignorantly, against aristocratic privilege? The anti-Reformers complain of this more loudly than the Reformers, and yet they refer us to causes much more terrible and irremediable than those which really exist. Again and again — *usque ad nauseam* — they have referred us to the first French Revolution, and libelled the English aristocracy by comparing its situation with that of the French. But at this moment, when the English aristocracy are not popular, it will be well to remember that there is no analogy in the cases. The people of this country have not, as the people of France had, a long and black sum of offences against their superiors, to be scored off on the great reckoning day of revenge. The English aristocracy may occasionally be charged with a haughty neglect of the people and with too obstinate a stand upon harsh laws and ungracious prerogatives. But they cannot be charged with the

same terrible misuse of power that absolutely characterized the French ; not with the same grasping oppression, not with the same unblushing venality, not with the same degrading sycophancy to royal vices, or the same ruthless indifference to national distress. The great wealth of the English aristocracy (and their consequent independence of the court) has preserved them, as a body, from the double necessity of meanness and extortion, and enabled them, as individuals, to purchase popularity at the cheap cost of pecuniary expense. And if the cause of any odium they may have incurred has no analogy to those causes which directed the vengeance of the French people against their *noblesse,* neither, on the other hand, can it be vaguely referred, as some honorable gentlemen have attempted to refer it, merely to the general growth of liberal opinion. For it would be an assertion altogether without proof to say that there has ever existed a period in this country — at least, since the time of Jack Cade — when the doctrine of equalization of rank or property has obtained so extensively that the people have formed an hatred to their superiors, merely from their superiority, or that they have cherished an animosity to power solely from a love for experiment. Whatever arguments may be alleged in favor of the Lostwithiels and the Old Sarums, it is not attempted to be denied that they have made not only the

Parliament, but the aristocracy thus influencing the Parliament, unpopular to so great an excess that not only all the ills of the State, the wars, the expenditure, the debt, but even the very calamities inflicted by Providence, the scarcity and the drought, have been laid to the charge of this noxious influence ; and the very extravagance of these attacks, if matter of ridicule to the defenders of the system, is a proof at least of the extraordinary odium which the system has incurred. Here, then, at once, is the cause of that great and growing division between classes which is so deeply to be feared ; it is obvious, for the sake of aristocracy alone (for if I am right in saying their power is the creature of public opinion, it is the aristocracy alone who can lose by a violent collision with public opinion) — for the sake of the aristocracy alone, we ought to heal the division ; and it is equally obvious that in order to heal the division we must remove the cause of it. And thus, even if the people, whilst suffering under the disease, had not clamored for the remedy,— if the irritation felt under the present system had excited no agitation for any definite question of reform,— every true advocate, not of the people's interests only, but also of the interests of the aristocracy, ought, nevertheless, to endeavor to carry into effect, as soon as possible, the great main principles of this reform. It has been said that if you remove the nomination

boroughs you bring the House of Lords into direct collision with the House of Commons; and that the influence of the House of Lords, felt on the floor of that House, often preserves the former from the odium of rejecting popular measures before their own immediate tribunal. But was there ever anything so glaringly inconsistent as the application of this argument? Honorable gentlemen are willing that the House of Lords shall now incur the certain and collected odium of the country, for fear it should incur its possible and partial odium hereafter, in some imaginary epoch in futurity. But, passing over the notable inconsistency of the application of the argument, and granting the argument itself its full force,—granting that there are times and occasions in which it is well that the influence of the House of Lords should be felt in this House, and that it does serve to prevent any collision between the Assemblies,—is it not evident that that influence would still remain, only exercised through a constitutional, not an invidious channel? Do honorable gentlemen imagine that, after the passing of the Reform Bill, the aristocracy will suddenly be left alone in the world, without a single tenant possessed of a vote, or a single friend to whom that vote can be given? To hear such honorable gentlemen one would suppose that we, the hard-hearted and ruthless Reformers, are not meditating the petty victory of parliamentary

reform, but the much grander stroke of shipping off the whole of the aristocracy to Van Diemen's Land; or, at least, that by schedule A we shall not leave them an acre, and that by schedule B we shall cut them off with a shilling; and yet, is it not perfectly clear that these miserable victims of radical atrocity will still have sons, and brothers, and cousins, and friends in this House? that they will still exercise a great and paramount influence in the towns near which they reside and the counties which are now about, in receiving additional members, to give the certainty of additional seats to the aristocracy? If honorable members insist that the moment this House mirrors in some degree the opinions of the majority of the people, the House of Lords must succumb and perish, they do not prophesy its future, they utter its present condemnation. If this were true, the House of Lords is gone already; while we debate on its defence, the seal is put upon its abolition. A celebrated philosopher has felicitously observed that "the greatest discoverer in science cannot do more than accelerate the progress of discovery." So in the career of nations, as of knowledge, you may advance, but you cannot contradict the genius of a people. The most democratic law cannot do more than hasten a democracy, which, before that law could be received, must have already become inevitable. At a time when authority can no longer

support itself by the solemn plausibilities and the ceremonial hypocrisies of old, it is well that a government should be placed upon a solid and sure foundation. In no age of the world, but least of all in the present, can any system of government long exist which is menaced both by the moral intelligence and the physical force of a country. In the present instance, we behold a system thus menaced, and therefore thus feeble, modified into one placed not only on the affections of the populace,—though at this juncture I should scarcely consider him wise who holds even the affections of the populace in contempt,—but also on the opinions of that class which, in this country, fills up the vast space between the highest and the lowest, and whose members are opposed to every more turbulent revulsion by all the habits of commerce and all the interests of wealth. But so entirely do I agree with the honorable gentlemen opposite on one principle — namely, that it is the practical stability, and not the theoretical improvement of the commonwealth, that ought to be our first object — that I would become a willing and a cheerful convert to the rest of their sentiments on this great measure, the moment they can show me, amidst the tumults of neighboring nations and the crash of surrounding thrones, a better security for the institutions of power than the love and confidence of an united and intelligent people.

EARL OF BEACONSFIELD

Benjamin Disraeli was born at London in 1804. He was of the race of the Sephardim, and was son of Isaac Disraeli, an author of note. Young Disraeli was educated at home, and at the age of eighteen began to study law, but abandoned this for literature, and his first novel, *Vivian Grey,* published when its author was but twenty-one, won immediate popularity by its brilliancy. In 1837 he was elected to Parliament, but his maiden speech was a complete failure, being received with laughter and jeers. He was not daunted, however, and by 1845 had gained the ear of the House, and in 1852 was made Chancellor of the Exchequer under Lord Derby — a position he again filled in 1858. The Conservatives, of which party he had become an adherent, were, however, usually in opposition, though in 1868 Disraeli was made Premier, but he held office less than a year. In 1874, the Conservatives having gained a sweeping victory at the polls, he was again made Prime Minister. In 1877 he took his seat in the House of Lords as Earl of Beaconsfield, but in 1880 the Liberals carried the election and the Earl resigned the premiership. His chief measure as Premier was securing to the Queen the title and prerogatives of Empress of India, and his greatest triumph was the consummate diplomacy which he displayed at the Congress of Berlin. He died in 1881.

Disraeli excelled in close argument and in sarcasm. Brilliant as were his novels, his speeches show but few of the qualities which adorned their pages. He rarely rose to eloquence, and indeed seemed to care nothing for it. He was a master of invective, never coarse, but always stinging. Fluent and easy in his choice of words, he aimed rather to convince than to dazzle. Perhaps his speeches lacked the glow of self-conviction, but they were always sharply pointed and sure of effect.

Disraeli's novels are published in several editions. Most of his best speeches will be found in *Selected Speeches of the Right Hon. the Earl of Beaconsfield*, by T. S. Kebbel (Longmans, London, 1882). Among the best biographies are those by Kebbel (1888) and Froude (1890).

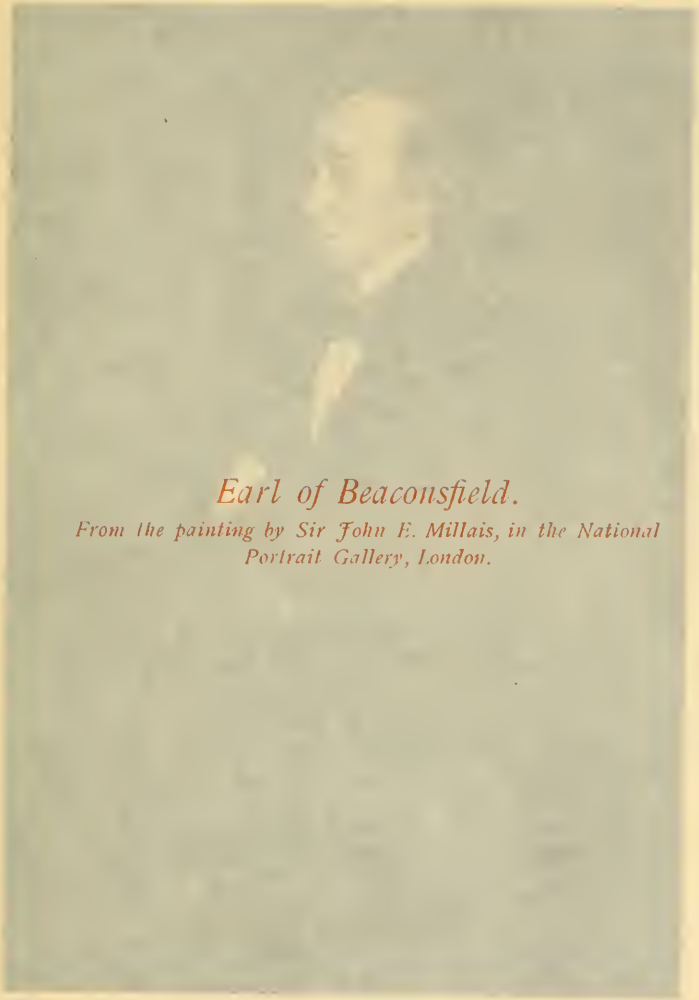
ON THE EVACUATION OF CANDAHAR

Beaconsfield.

When the Liberals came into power in 1880, they proceeded to abandon the Afghanistan positions gained in 1879. There was a question as to the retaining of Candahar, a most important post, and when it was determined to relinquish this also, the Opposition made a strenuous effort to prevent it. The most important speech made on this occasion was the following, by the Earl of Beaconsfield, under whom, as Premier, the posts to be ceded had been taken. The Earl was in bad health at the time, but the speech shows no sign of weakness, being at once pithy and powerful.

THE question really before your Lordships is whether it is or is not wise to evacuate Candahar, and I shall endeavor to confine my observations strictly to that, or at least with one exception of a very slight character. I see no use in reviewing again the history of the Afghan war or of the proceedings which preceded it. Your Lordships, having been appealed to on that subject, have given your opinions in great numbers and after long and deep discussion. It would, therefore, in my opinion be unnecessary for me now to enter upon a consideration of that matter in detail. There are one or two salient facts to guide us in coming to a conclusion on this matter,

and which it occurs to me to allude to at this moment, owing to the tone which the debate has taken. It is on record that the Ameer of Afghanistan appealed for succor some years ago to the Viceroy of the Queen in India, who is now First Lord of the Admiralty, and the Viceroy thought it his duty to reject the overtures made to him. It also stands upon record that this rejection was the origin of all the misunderstandings and misfortunes which have since occurred. It also stands upon record that about three years afterwards, panic-stricken, I suppose, by the rumor that the Russians were approaching Merv, the then Viceroy decided on the plan which, in his opinion, should be then adopted to meet the difficulties and dangers of such a proceeding, and he proposed an offensive and defensive treaty in Afghanistan, and the establishment of a resident minister on the British side of Herat. These are great salient truths, and I must say that I am quite surprised, remembering these historical facts, at the tone which the noble Lord the First Lord of the Admiralty took with reference to my noble Lord the late Viceroy of India. One would suppose that the noble Earl was not only a pupil of the peace-at-any-price school, but that he was also graduating for higher honors in the more refined school which would wage war and at the same time negotiate, more especially if our arms had been defeated. I was



Earl of Beaconsfield.

From the painting by Sir John E. Millais, in the National Portrait Gallery, London.

very much disappointed, my Lords, at the reply the noble Duke the Lord Privy Seal made to my noble friend near me. I had listened, as a very full House had listened, with pleasure to that speech; and a speech more exhaustive, more animated, more completely touching every point of the subject I have rarely heard. Well, I knew that my noble friend was to be followed by one whose ability was equal to any emergency — one who is an ornament of this House, and invariably delights the audience which he addresses. Well, my Lords, what did we hear? Was there any answer to the speech of my noble friend? On the contrary, we had a series of biographies of Indian worthies, and when the list closed it was, as usual, flung at the head of my noble friend the late Viceroy. Under these circumstances I think we have had enough of recurrence to the past, and that we may confine our consideration to the point before us.

My Lords, there is one point only, before I touch upon the question of Candahar, on which I would like to make one or two remarks, and that is about our relations with Russia, which have formed so important a portion of our discussion to-night as on previous occasions. Now, my Lords, when my noble friend and myself were commissioned to proceed as plenipotentiaries to Berlin nearly three years ago, our instructions

were to achieve, if possible, two great objects: one, of course, to secure and guard the interests of our own country; and the other to combine with the other powers, if possible, for some general arrangement or some unity of feeling which might secure, if not the perpetual, at least the lasting peace of Europe. Well, my Lords, when we came to consider our interests in this subject it was quite obvious that it was quite impossible to arrive at any arrangement which would give a fair probability of a lasting European peace if there was not sympathy on the part of Russia, and the time seemed to have arrived, when a congress was called upon to settle the affairs of Europe, to make some efforts to come, if possible, to some direct understanding with Russia which might tend to the beneficial results we had in view.

I must say that before we could take any steps we were anticipated by the illustrious Chancellor of that Empire, who expressed a desire on the part of Russia that some attempt should be made to put an end to that chronic misunderstanding which seemed always to be recurring between the two countries of Great Britain and Russia. I do not, my Lords, mean to say that there was at any time an intention of an alliance, or a treaty, or a convention, but what we all seemed to desire was that, if possible, instead of hostile distrust, there should be at least some approximation to

confidence, and that when any occurrence of a controversial character took place in those parts of the world where the interests of Russia and England clashed, there should be at least a friendly and candid communication of views between the two powers, which might remove causes which were not at all adequate reasons for misunderstanding. Well, my Lords, when we returned to England, I think I expressed the sentiments which my noble colleague would have expressed on this matter. I took the earliest opportunity of declaring in this House that those circumstances which had occurred in Central Asia with reference to efforts of Russia, the avowed object of which was to embarrass and disturb English interests in that part of the world — I say, I took the earliest opportunity of announcing in this House that, so far as those preparations had been made by Russia with the belief that war was immediately pending between the two countries, we found that we had no cause to complain, and that we were willing to forget, and wished to forget, all that had occurred in that respect. And, in consequence, a formal communication of our views, which I do not doubt will be found in the annals of the Foreign Office, was made on the subject, and we received, as I stated at the time, an answer from St. Petersburg of the most satisfactory kind — in fact, expressing all those views and sentiments which

Prince Gortchakoff, the Chancellor of the Empire, had expressed at the Congress.

Your Lordships are aware that within a short time there has been laid upon your table a correspondence, which has been described as a sinister correspondence, and which has for so long a time been the subject of interest, I would say of suppressed interest, in many political circles. Your Lordships may remark that at the end of that correspondence the present Russian Ambassador alludes in a summary to a despatch of Count Schouvaloff, in which there is a long quotation or summary of what I had expressed to Count Schouvaloff in a conversation. I am sure, my Lords, that nobody who took up those papers would believe that it was a publication which had been for a long time suppressed, even at Cabul, with an account of the Russian Ambassador's interview with me, entirely condoning the past and approving everything that Russia had done. They could see no reason for the publication of that despatch. But, my Lords, if you look at the date of the despatch you will find that it was in November, 1878; whereas the despatches between the Russian authorities and the Ameer which were discovered after the second capture of Cabul were not obtained by the British Government until exactly a year afterwards—namely, October or November, 1879. And therefore it does appear

to be most extraordinary that while the despatch of Count Schouvaloff giving an account of his interview with me, condoning the conduct of the Russian Government under certain conditions and circumstances which are almost *verbatim* what I did express in this House about a month before — that any one could think there was any connection between those despatches so found a year afterwards at Cabul and that conversation.

Your Lordships may also remark that in this curious publication there is in inverted commas what purports to be an announcement on my part that in my opinion the Government of India had forced our hands upon the subject of war, and had occasioned a declaration of war not only before it was necessary, but when it was, perhaps, altogether unnecessary. The case was exactly the opposite of that. Instead of her Majesty's Government complaining of being forced by the Government of India to make war, that Government was most anxious to avoid war. We were appealed to by the Government of India to know what was our decision, as it fell upon them to make preparations for war, if war were decided upon; and when the affair came so near that the Government of India asked for its final instructions, it pledged itself voluntarily to make no single military operation without our sanction and advice. The English Government, as appears by

the papers, were anxious to give Shere Ali a *locus penitentiæ,* and instructed the Government of India to concede to him a period of three weeks to consider what he would do. We calculated every day, and considered the full time that would not interfere with military operations if they became necessary. My Lords, I am quite certain that Count Schouvaloff was utterly incapable of misrepresentation as to anything I expressed to him. He was well known to every member of this House, a great ornament of society, a most honorable man, and I supposed at the time that it must have been a misapprehension of the Ambassador. But I understand it referred, not to our hand being forced by the Government of India to go to war,—that was absolutely absurd,—but to the mission which two months before had been sent by the Indian Government, with the sanction of the English Government. Your Lordships are well aware of the failure of that expedition ; but the expedition was not an operation of war, but a mission of peace, and we sent an individual who was the friend of Shere Ali, and who we believed would have succeeded in accomplishing a great object. It was absolutely necessary that I should call your Lordships' attention to the fact that the alleged conversation with Count Schouvaloff appended to the papers discovered at Cabul took place in fact one year before they were discovered, and consequently

that the expressions which excited my pain and surprise really referred to other subjects. I propose now to notice a remark as to why, when these papers were discovered at Cabul, they were not published by the late Government.

Certainly it would not have been in harmony with the existence of good feeling between the English plenipotentiaries and Prince Gortchakoff if we took at the earliest opportunity a step which would not have tended to the cultivation of that friendly feeling between the two countries which was our object. Then we are asked why we consented to that publication. I am not the person who has consented to the publication, but the minister. I always took it for granted, from the extraordinary proceedings with regard to Afghanistan during the general election, that sooner or later there must have been a discussion on the subject. It was when in the frenzy of the hustings the country was enlightened on the subject of the war in Afghanistan, and when it was denounced by the late Ministry as unnecessary and a great damage to the country — it was not until these expressions were used that we found that some steps should be taken on our part also to enlighten the country. Who could have supposed that our successors, with the Cabul papers, not published, but in their possession to guide them, would have announced in the manner they

did that the whole of our policy in Afghanistan should be repudiated? Our whole policy in Afghanistan is described as a monstrous romance, as if there had been no occasion for a single incident that occurred. Our recollection of the previous connection of the First Lord of the Admiralty with the Ameer seemed to be entirely effaced from the memory of the nation. And, therefore, when my noble friend, the late Viceroy, found himself held up in so distorted a form to his country, it is not surprising that, as a member of this House, he should have taken an opportunity of calling your Lordships' attention to the subject of these despatches.

Now, I would ask the Lord Privy Seal why he did not answer the two most important questions asked him in this debate — they were asked by the noble Viscount behind him. The first is, What do the Government mean to do with Candahar when they evacuate it in a month hence? The next question is, Why we are not favored with the opinion of Lord Ripon and his councillors? These are two questions which we have certainly a right to have answered. My noble friend [Lord Derby], who made a very animated speech — and I do not know that there is anything that would excite enthusiasm in him except when he contemplates the surrender of some national possession — made a distinct point on that subject. He asked why

we made such a great point of retaining Candahar at present, when we were willing when we made the treaty of Gandamak to restore it to the native prince. The answer is clear. When we negotiated the treaty of Gandamak our policy was to create a powerful and independent Afghanistan, and therefore everybody must feel that an attempt to retain Candahar must baffle and defeat that policy.

My Lords, you have an old policy with regard to the relations of this country, India, and Afghanistan, which has been approved by all public men. Lord Lawrence, whom we always speak of with great respect, though the Lord Privy Seal says we systematically insulted him, was most decided in his policy that there should be an English interest in Afghanistan, and that Russian influence in it should not for a moment be tolerated. Well, what is your policy now? Where will English interests be when you have evacuated Afghanistan? What will be the state of Afghanistan? It will be a state of anarchy. We have always announced, as a reason for interfering in Afghanistan, that we cannot tolerate a state of anarchy on our frontiers. Is not that an argument as good for Russia as for us? Will not the Russians say, "Afghanistan is in a state of anarchy, and we cannot go on civilizing Turkestan when Afghanistan is in a state of anarchy"? Therefore you

are furnishing Russia with an occasion for advancing. When I speak of this policy of Russia, I do not speak of it in a hostile spirit. Russia has a right to its policy as well as England. Russia has as good a right to create an empire in Tartary as we have in India. She must take the consequences if the creation of her empire endangers our power. I see nothing in that feeling on the part of England which should occasion any want of friendliness between this country and Russia. We must guard against what must be looked upon as the inevitable designs of a very great power. When Lord Palmerston carried one of the greatest measures of his life — the fortification of the Channel, which was of much more importance than the retaining of Candahar — was that looked upon as a symbol of hostility to the French people? Every one knows that Lord Palmerston was very friendly to the French alliance, and yet there was an operation directed immediately against France for the purpose of putting an end to the continual fluctuations of bluster and fear which such a situation as England was in at that time must necessarily entail.

I come now to the question of finance. I will not discuss whether Sir Henry Norman's helter-skelter estimates or those of other persons are the best or worst; but I will remind your Lordships of this, that everything that has been alleged

respecting the retention of Candahar and the consequent expense was said about the retention of the Punjaub. We heard when the retention of the Punjaub was proposed that it was impossible to raise any respectable revenue there; that the country was bare; that the population, compared with India, was sparse; and that it was quite impossible that the expenditure of our Government could be repaid. All these arguments were urged against annexation of any kind. But eventually you found a very prosperous country in the Punjaub and Scinde, which proved a source of wealth and strength to India. I will not believe without much better proof that the retaining Candahar — the capital of an extremely fertile district — will entail upon you a result less satisfactory than the result of the retention of the Punjaub and Scinde. The *prima facie* evidence is, I think, in favor of a rich district paying its expenses, and, in time, probably paying more than its expenses.

There is another point connected with Candahar of which much has been made in this debate and on other occasions. It is said that we are debarred from annexing or retaining Candahar by our public declarations and agreements, and in the front of these is always placed the celebrated proclamation of the Queen when she accepted the sovereignty of India. I can speak with some confidence

upon that subject, for, to a certain extent, I am responsible for that proclamation. It never entered into my head that there was anything in that proclamation which should prevent the Queen, if she went to war with a foreign power, making such terms at the conclusion of peace as she might think fit, and availing herself of her power to take any provinces by right of conquest. The proclamation is essentially a domestic proclamation addressed to the princes of India, and the obligation of that proclamation has been most rigidly observed. There is no instance in which her Majesty has been counselled to deviate from it, and I must repudiate the attempt to treat the Queen's proclamation on her assumption of the full sovereignty of India as a bar to the retention of Candahar if the Government should deem that retention wise and prudent. As to the observation that the commanding officers announced to the people that they were making war against princes only and not upon subjects, it may be easily disposed of. Such an announcement is an Oriental custom. In all the wars that have taken place of late — certainly in some of them — similar assurances have been given by the invading power, but it has not prevented rich countries losing their capitals, and ancient empires being dislocated. In fact, you can generally drive a coach-and-six through declarations of that kind.

I have now touched upon the principal points in this question of the retention of Candahar. I confess that I have not heard an answer to the speeches of my noble friend who introduced this subject to your notice, of the noble Marquis, and of the noble Viscount who addressed your Lordships first this evening. It will not be unreasonable if I repeat a few points on which we lay particular stress. We want to know why we are not favored with the views of Lord Ripon and his council, and what scheme the Government have in view if they evacuate Candahar in the short space of time announced — namely, in less than a month. Noble Lords opposite cheered the noble Lord who addressed us from those benches with so much power, and who seemed to admit that he would be satisfied if Candahar were to be retained for a certain period of time. Well, there is nothing unusual in retaining possession of a considerable town or province until the country, after great disquietude, war, and revolution, has subsided into comparative tranquillity. That is not an Oriental practice. It has been practised in some countries in Europe. There have been such things as military occupations before the present time. If the Government had come forward and announced that they intended to give up almost everything that we had obtained, but that in the present state of Afghanistan they did not see their

way to leave Candahar, though they did not think fit to appropriate it absolutely, I should still have regretted their not annexing Candahar, but I should have felt that they were making a reasonable and statesmanlike suggestion, which should be received with attention. Such a course would have received the respectful consideration of this House. I think that it becomes the House of Lords to express its opinion upon this subject. I had myself believed that even if we abandoned Candahar we should still be able to retain our Indian Empire. I do not think that it is absolutely essential to us. There are several places which are called the keys of India. There is Merv; then there is a place whose name I forget; there is Ghuzni; then there is Balkh, then Candahar. My opinion is, that though such places may not be essential to us, yet I should regret to see any great military power in possession of them — I should look upon such an event with regret, and perhaps with some degree of apprehension; but if the great military power were there, I trust we might still be able to maintain our Empire. But, my Lords, the key of India is not Herat or Candahar. The key of India is London. The majesty and sovereignty, the spirit and vigor of your Parliament, the inexhaustible resources, the ingenuity and determination of your people — these are the keys of India. But, my Lords, a wise statesman

would be chary in drawing upon what I may call the arterial sources of his power. He would use selection, and would seek to sustain his Empire by recourse to local resources only, which would meet his purpose. You have always observed that system in this country for the last hundred years. You have skilfully appropriated many strong places in the world. You have erected a range of fortifications ; you have overcome countries by the valor of your soldiers and the efforts of your engineers. Well, my Lords, I hope that we shall pursue the same policy. If we pursue the same policy, Candahar is eminently one of those places which would contribute to the maintenance of that Empire. It is advisable to retain it on economical grounds, as it is now held by us ; and, as my noble friend said in his speech, would it be a becoming course for us now to withdraw, when the fact that the power of England can be felt promptly and on the spot is the best security for peace, and the best security for peace must be the best defence in case of war ?

The views taken by my noble friend below the gangway are essentially erroneous views, and in no one point are they more erroneous, I think, than in what he said of the opportunity which the House of Lords now has of expressing its opinion. I do not wish in any way to maintain an exaggerated view. Feeling myself keenly upon the

question of Candahar, I believe there is a real and deep feeling, and, what is more, an increasing feeling, on the subject. The subject is being more considered; opinion will become more matured. There cannot be, therefore, a more legitimate occasion for the Peers of England to come forward and to give to the country the results of their wisdom and their experience, as I hope they will to-night, in reference to the Empire of India.

JOHN BRIGHT

John Bright was born in Lancashire in 1811. He received the usual common-school education up to the age of fifteen, when he became connected with the factory which was owned by his father. Bright was always preëminently a business man, but he soon became deeply interested in matters political, and in 1835 became prominent in the education movement. Always on the side of the people, when the National Anti-Corn-Law League was formed Mr. Bright's name was second on the list of the provisional committee, but it was not until 1841 that he publicly spoke in behalf of the movement, and in 1843 he was elected to Parliament. From that time he was at the head of the movement for the Corn-law repeal, and it was principally through his influence that the measure was effected. In 1849 he took an active part in the peace congresses which were held about that time in furtherance of the attempt to establish arbitration as a substitute for war. He labored earnestly for the extension of the franchise, and his eloquence did much toward the success of that measure. Bright was always a true Independent, and in 1882 resigned office in consequence of the Government declaring war on Egypt, he being all his life a consistent advocate of peace. He died in 1889.

Bright's chief characteristics as an orator were force and lucidity. His language was sometimes poetical, always pure and adapted to its subject. He rarely made use of satire, yet when occasion called for the use of this weapon he could wield it to terrific effect. He always impressed his hearers as a man terribly in earnest, and one whose courage was equal to the call of his convictions.

An excellent selection of Bright's principal speeches up to 1868 is found in the *Speeches by the Right Hon. John Bright,* edited by James E. Thorold Rogers, and revised by Bright himself (Macmillan, London, 1883).

ON PEACE

Bright.

The following speech was made at the conference of the Peace Society in 1853. The war with Russia was threatening at that time, and the conference was agitated by the impending crisis. The speech is one which displays most of Mr. Bright's oratorical qualities, being logical, deeply earnest, and on a lofty pitch of philanthropism, while its diction is at once chaste and impassioned.

IT is a great advantage to this country, I think, that we have no want of ample criticism. Whatever we may have said yesterday and to-day will form the subject of criticism, not of the most friendly character, in very many newspapers throughout the United Kingdom. I recollect when we met at Manchester, that papers disposed to be friendly warned us as to the course we were taking, and that the time was ill-chosen for a peace meeting. It was said that the people were excited against France, and were alarmed at their almost total defencelessness, and that there was no use in endeavoring to place before them the facts which the peace men offered to their audience. The result showed that they were mistaken, for you will recollect that, while up to that meeting there

was a constantly swelling tide of alarm and hostility with regard to France, from the day the conference was held there was a gradual receding of the tide, that the alarm and apprehension rapidly diminished, and that by the time the House of Commons met in February we were willing to receive from Lord John Russell and other statesmen the most positive assurance that France was not increasing her force and that there was not the slightest reason to believe that the Government of France entertained anything but the most friendly feeling towards the Government of this country.

The right time to oppose the errors and prejudices of the people never comes to the eyes of those writers in the public press who pander to these prejudices. They say we must not do so and so, we shall embarrass the Government. But rumor says the Government has been pretty well embarrassed already. They say that we shall complicate the question if we interfere ; but it cannot well be more complicated than it is, for hardly anybody but the peace men can tell how to unravel it. Next, they tell us that we shall impair the harmony of opinion which there appears to be in the country, from the fact of there being three or four insignificant meetings, by which the Government is to be impelled to more active and energetic measures. Now, what is it that we really

want here? We wish to protest against the maintenance of great armaments in time of peace; we wish to protest against the spirit which is not only willing for war but eager for war; and we wish to protest, with all the emphasis of which we are capable, against the mischievous policy pursued so long by this country, of interfering with the internal affairs of other countries, and thereby leading to disputes and often to disastrous wars.

I mentioned last night what it was we were annually spending on our armaments. Admiral Napier says that the honorable member for the West Riding, who can do everything, had persuaded a feeble Government to reduce the armaments of this country to "nothing." What is "nothing" in the Admiral's estimation? Fifteen millions a year! Was all that money thrown away? We have it in the estimates, we pay it out of the taxes —it is appropriated by Parliament, it sustains your dockyards, pays the wages of your men, and maintains your ships. Fifteen millions sterling paid in the very year when the Admiral says that my honorable friend reduced the armaments of the country to nothing! But take the sums which we spent for the past year in warlike preparations —seventeen millions—and the interest on debt caused by war—twenty-eight millions sterling—and it amounts to forty-five million pounds. What are our whole exports? Even this year,

far the largest year of exports we have ever known, they may amount to eighty million pounds. Well, then, plant some one at the mouth of every port and harbor in the United Kingdom, and let him take every alternate ship that leaves your rivers and your harbors with all its valuable cargo on board, and let him carry it off as tribute, and it will not amount to the cost that you pay every year for a war that fifty years ago was justified as much as it is attempted to justify this impending war, and for the preparations which you now make after a peace which has lasted for thirty-eight years.

Every twenty years—in a nation's life nothing, in a person's life something—every twenty years a thousand millions sterling out of the industry of the hard-working people of this United Kingdom are extorted, appropriated, and expended to pay for that unnecessary and unjust war and for the absurd and ruinous expenditure which you now incur. A thousand millions every year! Apply a thousand millions to objects of good in this country, and it would be rendered more like a paradise than anything that history records of man's condition, and would make so great a change in these islands that a man having seen them as they are now, and seeing them as they might then be, would not recognize them as the same country, nor our population as the same people. But what

do we expend all this for? Bear in mind that admirals, and generals, and statesmen defended that great war, and that your newspapers, with scarcely an exception, were in favor of it, and denounced and ostracized hundreds of good men who dared, as we dare now, to denounce the spirit which would again lead this country into war. We went to war that France should not choose its own government; the grand conclusion was that no Bonaparte should sit on the throne of France; yet France has all along been changing its government from that time to this, and now we find ourselves with a Bonaparte on the throne of France, and, for anything I know to the contrary, likely to remain there a good while. So far, therefore, for the calculations of our forefathers, and for the results of that enormous expenditure which they have saddled upon us.

We object to these great armaments as provoking a war spirit. I should like to ask what was the object of the Chobham exhibition? There were special trains at the disposal of members of Parliament to go down to Chobham the one day, and to Spithead the other. What was the use of our pointing to the President of the French Republic two years ago—who is the Emperor now—and saying that he was spending his time at playing at soldiers in his great camp at Satory and in making great circuses for the amusement of his soldiers?

We, too, are getting into the way of playing at soldiers, and camps, and fleets, and the object of this is to raise up in the spirit of the people a feeling antagonistic to peace, and to render the people —the deluded, hard-working, toiling people—satisfied with the extortion of seventeen million pounds annually, when, upon the very principles of the men who take it, it might be demonstrated that one half of the money would be amply sufficient for the purposes to which it is devoted. What observation has been more common during the discussion upon Turkey than this—"Why are we to keep up these great fleets if we are not to use them? Why have we our Mediterranean fleet lying at Besika Bay, when it might be earning glory and adding to the warlike renown of the country?" This is just what comes from the maintenance of great fleets and armies. There grows up an *esprit de corps*—there grows a passion for these things, a powerful opinion in their favor, that smothers the immorality of the whole thing, and leads the people to tolerate, under those excited feelings, that which, under feelings of greater temperance and moderation, they would know as hostile to their country as it is opposed to everything which we recognize as the spirit of the Christian religion.

Then, we are against intervention. Now, this question of intervention is a most important one,

for this reason, that it comes before us sometimes in a form so attractive that it invites us to embrace it, and asks us by all our love of freedom, by all our respect for men struggling for their rights, to interfere in the affairs of some other country. And we find now in this country that a great number of those who are calling out loudest for interference are those who, being very liberal in their politics, are bitterly hostile to the despotism and exclusiveness of the Russian Government. But I should like to ask this meeting what sort of intervention we are to have? There are three kinds—one for despotism, one for liberty, and you may have an intervention like that now proposed, from a vague sense of danger, which cannot be accurately described. What have our interventions been up to this time? I will come to that of which Admiral Napier spoke by and by. It is not long since we intervened in the case of Spain. The foreign enlistment laws were suspended; and English soldiers went to join the Spanish legions, and the government of Spain was fixed in the present Queen of that country; and yet Spain has the most exclusive tariff against this country in the world, and a dead Englishman is there reckoned little better than a dead dog. Then take the case of Portugal. We interfered—and Admiral Napier was one of those employed in that interference—to place the Queen of Portugal on the

throne, and yet she has violated every clause of the charter which she had sworn to the people; and in 1849, under the Government of Lord John Russell, and with Lord Palmerston in the Foreign Office, our fleet entered the Tagus and destroyed the Liberal party, by allowing the Queen to escape from their hands when they would have driven her to give additional guaranties for liberty; and from that time to this she has still continued to violate every clause of the charter of the country. Now let us come to Syria; and what has Admiral Napier said about the Syrian war? He told us that the English fleet was scattered all about the Mediterranean, and that, if the French fleet had come to Cherbourg and had taken on board fifty thousand men and landed them on our coast, all sorts of things would have befallen us. But how happened it that Admiral Napier and his friends got up the quarrel with the French? Because we interfered in the Syrian question when we had no business to interfere whatever. The Egyptian Pasha, the vassal of the Sultan, became more powerful than the Sultan, and threatened to depose him and place himself as monarch upon the throne of Constantinople; and, but for England, he would assuredly have done it. Why did we interfere? What advantage was it to us to have a feeble monarch in Constantinople, when you might have had an energetic and powerful one in Mehemet

Ali? We interfered, however, and quarrelled with France, although she neither declared war nor landed men upon our coast. France is not a country of savages and banditti. The Admiral's whole theory goes upon this, that there is a total want of public morality in France, and that something which no nation in Europe would dare to do, or think of doing, which even Russia would scorn to do, would be done without warning by the polished, civilized, and intelligent nation across the Channel.

But if they are the friends of freedom who think we ought to go to war with Russia because Russia is a despotic country, what do you say to the interference with the Roman Republic three or four years ago? What do you say to Lord John Russell's Government — Lord Palmerston with his own hand writing the despatch — declaring that the Government of her Majesty, the Queen of England, entirely concurred with the Government of the French Republic in believing that it was desirable and necessary to reëstablish the Pope upon his throne? The French army, with the fullest concurrence of the English Government, crossed over to Italy, invaded Rome, destroyed the Republic, banished its leading men, and restored the Pope; and on that throne he sits still, maintained only by the army of France.

My honorable friend has referred to the time

when Russia crossed through the very principalities we hear so much about and entered Hungary. I myself heard Lord Palmerston in the House of Commons go out of his way needlessly, but intentionally, to express a sort of approbation of the intervention of Russia in the case of Hungary. I heard him say, in a most unnecessary parenthesis, that it was not contrary to international law, or to the law of Europe, for Russia to send an army into Hungary to assist Austria in putting down the Hungarian insurrection. I should like to know whether Hungary had not constitutional rights as sacred as ever any country had — as sacred, surely, as the sovereign of Turkey can have upon his throne. If it were not contrary to international law and to the law of Europe for a Russian army to invade Hungary to suppress there a struggle which called for — and obtained too — the sympathy of every man in favor of freedom in every part of the world, I say, how can it be contrary to international law and the law of Europe for Russia to threaten the Sultan of Turkey and to endeavor to annex Turkey to the Russian Empire?

I want our policy to be consistent. Do not let us interfere now, or concur in or encourage the interference of anybody else, and then get up a hypocritical pretence on some other occasion that we are against interference. If you want war, let

it be for something that has at least the features of grandeur and of nobility about it, but not for the miserable, decrepit, moribund Government which is now enthroned, but which cannot long last, in the city of Constantinople. But Admiral Napier is alarmed lest, if Russia were possessed of Turkey, she would, somehow or other, embrace all Europe — that we all should be in the embrace of the Bear — and we know very well what that is. I believe that is all a vague and imaginary danger; and I am not for going to war for imaginary dangers. War is much too serious a matter. I recollect, when France endeavored to lay hold on Algeria, it was said that the Mediterranean was about to become a French lake. I do not believe that France is a bit more powerful in possessing it. It requires one hundred thousand French soldiers to maintain Algeria; and if a balance-sheet could be shown of what Algeria has cost France and what France has gained from it, I believe you would have no difficulty whatever in discovering the reason why the French finances show a deficit, and why there is a rumor that another French loan is about to be created.

But they tell us that if Russia gets to Constantinople, Englishmen will not be able to get to India by the overland journey. Mehemet Ali, even when Admiral Napier was battering down his towns, did not interfere with the carriage of our

mails through his territory. We bring our overland mails at present partly through Austria, and partly through France, and the mails from Canada pass through the United States; and though I do not think there is the remotest possibility or probability of anything of the kind happening, yet I do not think that, in the event of war with these countries, we should have our mails stopped or our persons arrested in passing through these countries. At any rate it would be a much more definite danger that would drive me to incur the ruin, guilt, and suffering of war.

But they tell us further that the Emperor of Russia would get India. That is a still more remote contingency. If I were asked as to the probabilities of it, I should say that, judging from our past and present policy in Asia, we are more likely to invade Russia from India than Russia is to invade us in India. The policy we pursue in Asia is much more aggressive, aggrandizing, and warlike than any that Russia has pursued or threatened during our time. But it is just possible that Russia may be more powerful by acquiring Turkey. I give the Admiral the benefit of that admission. But I should like to ask whether, even if that be true, it is a sufficient reason for our going to war, and entering on what perhaps may be a long, ruinous, and sanguinary struggle, with a powerful Empire like Russia?

What is war? I believe that half the people that talk about war have not the slightest idea what it is. In a short sentence it may be summed up to be the combination and concentration of all the horrors, atrocities, crimes, and sufferings of which human nature on this globe is capable. But what is even a rumor of war? Is there anybody here who has anything in the funds, or who is the owner of any railway stock, or anybody who has a large stock of raw material or manufactured goods? The funds have recently gone down ten per cent. I do not say that the fall is all on account of this danger of war; but a great proportion of it undoubtedly is. A fall of ten per cent. in the funds is nearly eighty million pounds sterling of value, and railway stock having gone down twenty per cent. makes a difference of sixty million pounds in the value of the railway property of this country. Add the two—one hundred and forty million pounds—and take the diminished prosperity and value of manufactures of all kinds during the last few months, and you will understand the actual loss to the country now if you put it down at two hundred million pounds sterling. But that is merely a rumor of war. That is war a long way off—the small cloud no bigger than a man's hand; what will it be if it comes nearer and becomes a fact? And surely sane men ought to consider whether the case is a good one, the ground fair,

the necessity clear, before they drag a nation of nearly thirty millions of people into a long and bloody struggle for a decrepit and tottering Empire which all the nations in Europe cannot long sustain. And, mind, war now would take a different aspect from what it did formerly. It is not only that you send out men who submit to be slaughtered, and that you pay a large amount of taxes—the amount of taxes would be but a feeble indication of what you would suffer. Our trade is now much more extensive than it was ; our commerce is more expanded, our undertakings are more vast, and war will find you all out at home by withering up the resources of the prosperity enjoyed by the middle and working classes of the country. You would find out that war in 1853 would be infinitely more perilous and destructive to our country than it has ever yet been at any former period of our history. There is another question which comes home to my mind with a gravity and seriousness which I can scarcely hope to communicate to you. You who lived during the period from 1815 to 1822 may remember that this country was probably never in a more uneasy position. The sufferings of the working classes were beyond description ; and the difficulties, and struggles, and bankruptcies of the middle classes were such as few persons have a just idea of. There was scarcely a year in which there was not

an incipient insurrection in some parts of the conntry, arising from the sufferings which the working classes endured. You know very well that the Government of the day employed spies to create plots and to get ignorant men to combine to take unlawful oaths; and you know that, in the town of Sterling, two men who, but for this diabolical agency, might have lived good and honest citizens, paid the penalty of their lives for their connection with unlawful combinations of this kind.

Well, if you go into war now you will have more banners to decorate your cathedrals and churches. Englishmen will fight now as well as they ever did, and there is ample power to back them, if the country can be but sufficiently excited and deluded. You may raise up great generals. You may have another Wellington, and another Nelson too; for this country can grow men capable for every enterprise. Then there may be titles, and pensions, and marble monuments to eternize the men who have thus become great; but what becomes of you, and your country, and your children? For there is more than this in store. That seven years to which I have referred was a period dangerous to the existence of government in this country, for the whole substratum, the whole foundation of society were disconnected, suffering intolerable evils, and hostile in the bitterest degree

to the institutions and the Government of the country.

Precisely the same things will come again. Rely on it that injustice of any kind, be it bad laws, or be it bloody, unjust, and unnecessary war, of necessity creates perils to every institution in the country. If the Corn-law had continued, if it had been impossible, by peaceful agitation, to abolish it, the monarchy itself would not have survived the ruin and disaster that it must have wrought. And if you go into a war now, with a doubled population, with a vast commerce, with extended credit, and a wider diffusion of partial education among the people, let there ever come a time like the period between 1815 and 1822, when the whole basis of society is upheaving with a sense of intolerable suffering,—I ask you how many years' purchase would you give even for the venerable and mild monarchy under which you have the happiness to live? I confess, when I think of the tremendous perils into which unthinking men — men who do not intend to fight themselves — are willing to drag or to hurry this country, I am amazed how they can trifle with interests so vast and consequences so much beyond their calculation.

But, speaking here in Edinburgh to such an audience,—an audience probably for its numbers as intelligent and as influential as ever was assembled

within the walls of any hall in this kingdom, — I think I may put before you higher considerations even than those of property and the institutions of your country. I may remind you of duties more solemn, and of obligations more imperative. You profess to be a Christian nation. You make it your boast even — though boasting is somewhat out of place in such questions — you make it your boast that you are a Protestant people, and that you draw your rule of doctrine and practice, as from a well pure and undefiled, from the living oracles of God, and from the direct revelation of the Omnipotent. You have even conceived the magnificent project of illuminating the whole earth, even to its remotest and darkest recesses, by the dissemination of the volume of the New Testament, in whose every page are written forever the words of peace. Within the limits of this island alone, on every Sabbath, twenty thousand, yes, far more than twenty thousand temples are thrown open, in which devout men and women assemble that they may worship Him who is the "Prince of Peace."

Is this a reality? Or is your Christianity a romance? is your profession a dream? No, I am sure that your Christianity is not a romance, and I am equally sure that your profession is not a dream. It is because I believe this that I appeal to you with confidence, and that I have hope and

faith in the future. I believe that we shall see, and at no very distant time, sound economic principles spreading much more widely amongst the people ; a sense of justice growing up in a soil which hitherto has been deemed unfruitful ; and, which will be better than all, the churches of the United Kingdom, the churches of Britain, awaking, as it were, from their slumbers, and girding up their loins to more glorious work, when they shall not only accept and believe in the prophecy, but labor earnestly for its fulfilment, that there shall come a time — a blessed time, a time which shall last forever — when "nation shall not lift up sword against nation, neither shall they learn war any more."

WILLIAM EWART GLADSTONE

William Ewart Gladstone was born at Liverpool in 1809. He was educated at Eton and Oxford, closing his academic career by taking the honors of a "double-first." He entered the House of Commons in 1832, and first assumed office, as one of the Lords of the Treasury, in 1835. In 1845 he became Colonial Secretary, and rendered his chief, Sir Robert Peel, efficient service in the passage of the great measure of free trade. In consequence of this he incurred the animosity of the Duke of Newcastle and lost his seat, but in 1847 he was returned for Oxford, and represented the University for eighteen years. In 1852 he became Chancellor of the Exchequer, and now espoused the doctrines of the Liberals. In 1866 he became the acknowledged Liberal leader, and in 1868 was made Premier. From that time until 1881, he and his great opponent, Disraeli, alternated as Prime Minister, although the latter's terms of tenure were far the less lengthy. In the famous campaign of 1880, Gladstone astonished the world by the vigor of his work, speaking day after day with unabated strength and fire. He retired from the nominal leadership of his party in 1883, but still remained their chief stay, and in 1886 again became Premier, called to the position by the popular demand as well as by the exigencies of the time. His Irish policy of Home Rule was not well received, however, notwithstanding the great speech in which he set it forth, and in the general election which ensued the Liberals were defeated. His brilliant career was brought to a close by death in 1898.

Gladstone is generally accorded a place in the first rank of orators, but he was more successful in public addresses than in debate. In the former class of speech he was clear, concise, cogent, and convincing; in the latter, he was apt to become too choleric. Yet he was effective in winning votes,

and this is the laurel of parliamentary oratory. He rarely used invective, and his sarcasm was somewhat labored. His language was always well-chosen, and his rich store of classical knowledge enabled him to adorn his own words with apt citations from the Grecian and Roman poets. That he was inclined to verbosity must be admitted ; but it was the verbosity of a man of ability and education.

Gladstone's chief works are *Studies on Homer and the Homeric Age* (1858); *Juventus Mundi* (1869); *A Homeric Synchronism,* (1876); and his translations of Homer. He also collected many of his shorter articles in *Gleanings of Past Years,* (8 vols., 1879). His speeches, edited by Messrs. Hutton and Cohen, are published by Methuen (London, 10 vols., 1892). An excellent biography of all but the latter part of his life is *Life of the Right Hon. William Ewart Gladstone,* by George Barnett Smith (Putnam, New York, 1880), and an interesting criticism of his personality will be found in *William Ewart Gladstone,* by James Bryce (Century Co., New York, 1898).

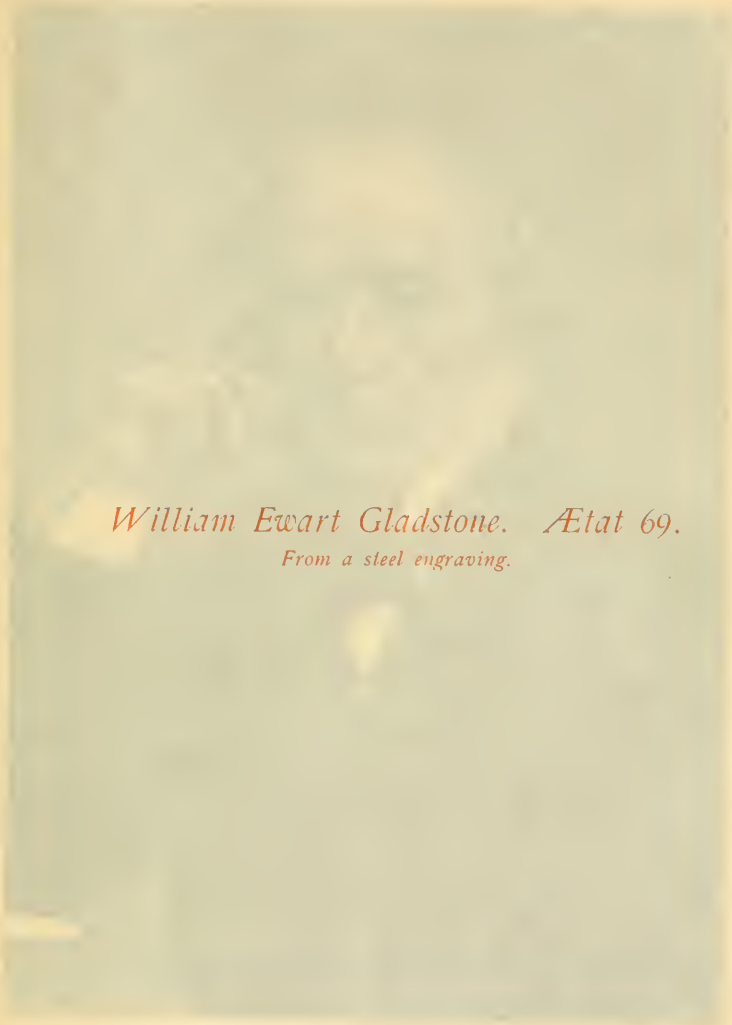
ON THE DISESTABLISHMENT OF THE IRISH CHURCH

Gladstone.

During the discussion on the subject of the disestablishment of the Church of Ireland, there were frequent and bitter encounters between Gladstone, the father of the measure, and Disraeli. The latter used his powers of sarcasm to bring the bill into ridicule, as well as his closely woven argument to show its undesirability. The contest was one of giants, and was the precursor of many other hotly contested battles. In this, the first, victory remained with Gladstone, and his closing speech, which follows, is an admirable example of his style when roused by the lash of his great adversary.

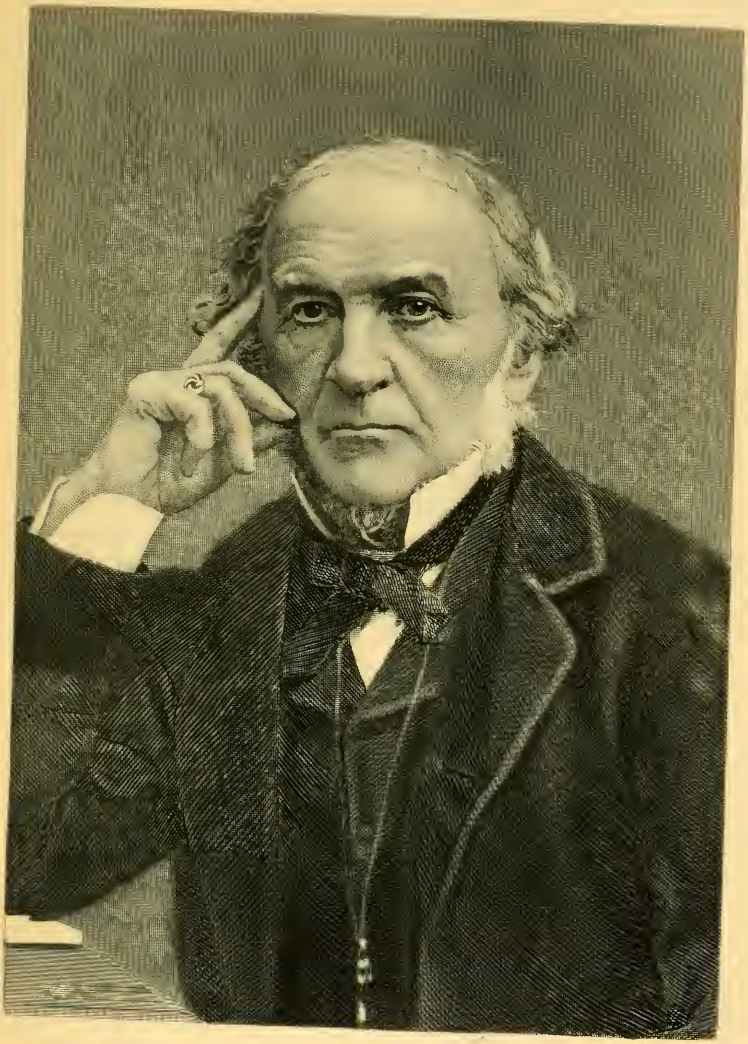
SIR, the right honorable gentleman [Mr. Disraeli] commenced his speech with an observation on the exhaustion of the topics relevant to this debate; but I owe to him, in candor, this acknowledgment,—that by the argument of the greater part of his discourse he has imparted an air of something like novelty and originality to the question. The speech of the right honorable gentleman is so critical and condemnatory with respect to the policy of the measure of the Government that it must have conveyed to the mind of his party a certain negative satisfaction. But when they look for positive declarations of policy;

when they ask themselves to what future course in any contingency the right honorable gentleman has committed himself with respect to the Church of Ireland, and under what pledges he has placed himself to give satisfaction to that Protestant feeling of the country to which he occasionally seems to appeal, I doubt whether the result of their review of his speech will be altogether satisfactory. As regards criticism upon us, undoubtedly, if it erred, it did not err on the side of a niggardly dispensation. For what has the right honorable gentleman said, if I may presume for a moment to endeavor to follow him in his lofty flight, and to reproduce—stripped, I am afraid, of much of their impressiveness—some of the main propositions of his speech? The right honorable gentleman says that the whole of our proceedings are based upon certain views and apprehensions of the Fenian conspiracy, and from that statement he takes occasion to give his own history of Irish affairs. He says, at a former time political remedies were deemed necessary for Ireland, but that of late years it has justly been perceived that physical causes are at the root of the Irish difficulty. When, Sir, the right honorable gentleman made the first allusion to physical causes, I did not expect he would have confined himself to the shore, but thought he would have referred to those maritime circumstances to which, on a former occasion,



William Ewart Gladstone. Ætat 69.

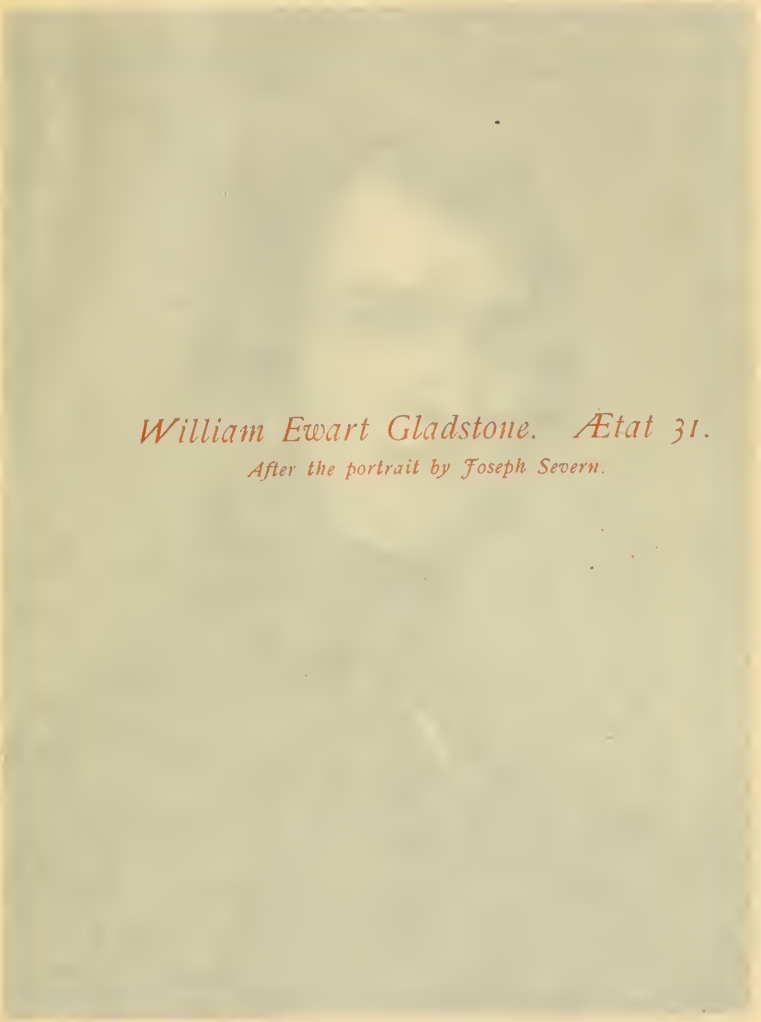
From a steel engraving.



he assigned a large portion of the responsibility for the condition of Ireland. However, upon this occasion, the right honorable gentleman has modified his view, and what he says is that in physical circumstances, exclusive, apparently, of those oceanic conditions, lies the root of the matter.

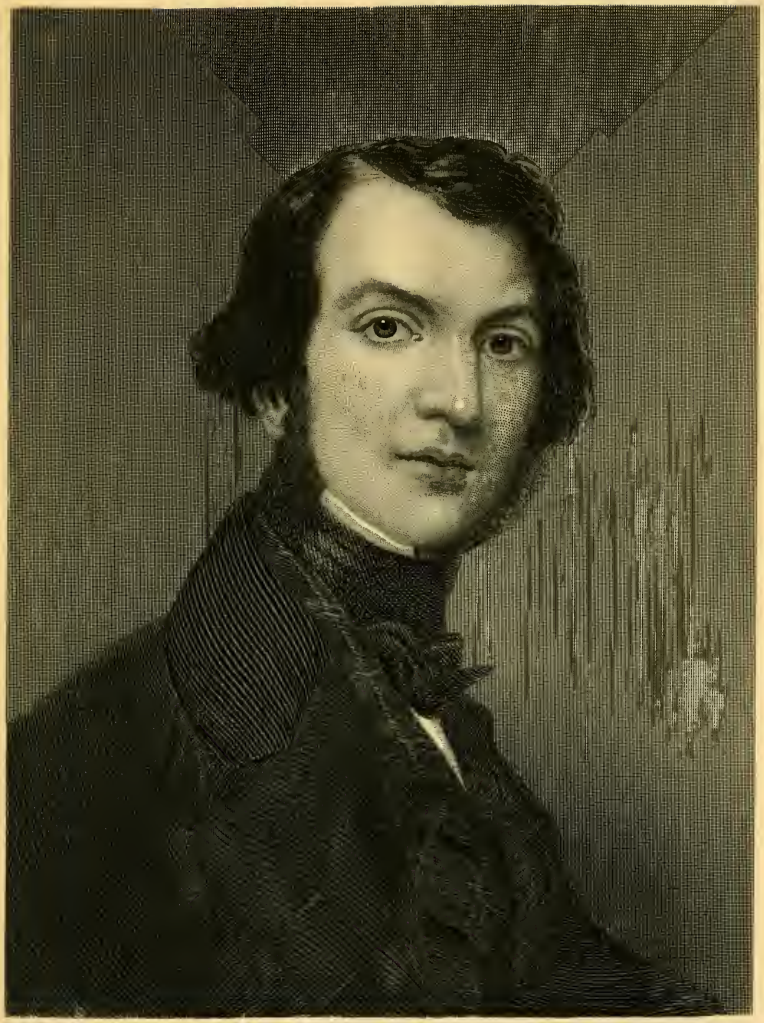
And here, Sir, I will observe that we do not propose new remedies for new difficulties. At the time of the Union, Mr. Pitt, its illustrious author, and Lord Castlereagh, his coadjutor, saw that the attainment of substantial religious equality was essential to the tranquillity of Ireland, and they proposed the form of religious equality they thought best adapted to the circumstances of the time. We now—not, indeed, with respect to the form, but with respect to the important end in view—are proposing to carry out the very purpose and design of Mr. Pitt. But the right honorable gentleman proceeds to say Fenianism was an insignificant affair—it was repudiated by the people of Ireland. There was, no doubt, continues the right honorable gentleman, in Ireland, as in other countries, a handful of idle folk looking for amusement or for novelty and disposed to give encouragement to anything, whatever it be, that might gratify those appetites. That was his description, in 1869, of Irish Fenianism; but what said Lord Mayo, in 1868, on the part of the right honorable gentleman? Having stated that the upper and

educated and wealthy classes in Ireland were opposed to the movement, Lord Mayo proceeded to use these memorable words : "When you descend in the social scale and come to the small occupiers of land, you find a considerable number of that class who may be said to sympathize, to a certain degree, with the movement, though they have taken no active part in it. Descending still lower, to the uneducated agricultural laborers,—to what in Ireland are called the 'farmers' boys,'—to the mechanics and working men, the shop assistants and small clerks in towns, you find this organization widely spread. I am sorry to say that in some of the cities in the south of Ireland you find the mass of the people of that class deeply tainted with Fenianism, and perfectly ready to sympathize and coöperate with it to any extent." To this official statement of Lord Mayo, fourteen or fifteen months after it was made, the right honorable gentleman has to-night placed upon record his solemn contradiction. Well, then, so much for the extent of Fenianism ; now with respect to its results. According to the right honorable gentleman, and not only according to him, but according to his representation of our profession, the Fenian conspiracy has, in our view and according to our declarations, supplied the justification for the measure that we now propose. Sir, the right honorable gentleman is entirely in



William Ewart Gladstone. Ætat 31.

After the portrait by Joseph Severn.



error. In my opinion, and in the opinion of many with whom I communicated, the Fenian conspiracy has had an important influence with respect to Irish policy ; but it has not been an influence in determining or in affecting in the slightest degree the convictions which we have entertained with respect to the course proper to pursue in Ireland. The influence of Fenianism was this : that when the Habeas Corpus Act was suspended, when all the consequent proceedings occurred, when the overflow of the mischief came into England itself, when the tranquillity of the great city of Manchester was disturbed, when the metropolis itself was shocked and horrified by an inhuman outrage, when a sense of insecurity went abroad far and wide—the right honorable gentleman then Home Secretary was, better than we, cognizant of the extent to which the inhabitants of the different towns of the country were swearing themselves in as special constables for the maintenance of life and property—then it was that these phenomena came home to the popular mind and produced that attitude of attention and preparedness on the part of the whole population of this country which qualified them to embrace, in a manner foreign to their habits in other times, the vast importance of the Irish controversy. But is this our case alone ? No ; in condemning us, the right honorable gentleman has condemned himself. What were his

propositions? I am almost afraid to repeat the words, which I should be glad if even now he were prepared to disavow and to contradict. Why, according to the right honorable gentleman, that revolution, which at a previous period he had represented as a possible cure for Irish evils, was affected through another process at the time of the famine. From the time of the famine onwards commenced the career of Ireland's prosperity and happiness; and in the year 1868, when our guilty ambition was about to disturb this blessed operation, it had reached such a point of ripeness that, says the right honorable gentleman, in ten or twenty years more Ireland would have been like England or Scotland. That is the description which, on the 31st of May, 1869, the right honorable gentleman offers to the British Parliament as his account of the condition of Ireland, at the time when the Irish policy of the present Government was proposed. Well, I may leave a proposition like that to be judged on its own merits. If there be those in this House who think the condition of Ireland in the beginning of 1868 was such that the country promised in ten years, or, at any rate, in twenty, if only let alone, to be like England or Scotland, those gentlemen are, in their perceptions, either too low or else too high for ordinary mortals, and I must leave them to their own reasonings as well as to their own

convictions. But there is evidence of fact at least to which we may refer. The right honorable gentleman seems to have forgotten that not long after his coming into office, in the Queen's Speech, he described, not, indeed, so glowing a prospect as that which he has given to-night, but still he held out an expectation that, under the auspices of the Government that then ruled, something very blessed was about to arise. On the 5th of February, 1867, the right honorable gentleman, together with his colleagues, had advised the Queen to say that "The hostility manifested against the Fenian conspiracy by men of all classes and creeds has greatly tended to restore public confidence, and has rendered hopeless any attempt to disturb the general tranquillity." And her Majesty was made further to say, "I trust that you may consequently be enabled to dispense with the continuance of any exceptional legislation for that part of my dominions."

Now that was the feeble essay which in 1867 the right honorable gentleman made in that style in which he has shown such infinitely greater proficiency to-night. But what was the result? In February the promise was given to Parliament that the Habeas Corpus Act should be restored; in March, I think, certainly not much later, the Minister had to stand at this box and say that he must demand its continued and prolonged suspension. Why, Sir, does the right honorable

gentleman think that when Ireland was within ten or twenty years of the condition of Scotland, or of England, it was justifiable in him to suspend the securities for personal liberty, to hold in confinement scores, or hundreds, perhaps, of political convicts, and to hold in prison without trial and without charge scores, or it may be hundreds, more of persons whom it was a high crime and misdemeanor to place there, unless the condition of Ireland was one of exceptional difficulty and danger? But, Sir, even this is not all the mass of evidence. Why did the noble Lord, the member for King's Lynn, go to Bristol in the month of January, 1868, and say that the question of Ireland was the question of the hour? Why, at the moment when the right honorable gentleman took the chief place in the Government, did he prepare with considerable formality the announcement of an Irish policy; and why did his Irish Minister, in the place where I now have the honor to stand, occupy the House for hours with a description of physical advancement in Ireland, of an increase of political difficulty and discontent, which the fact of that physical advancement only rendered more alarming and dangerous? Well, that being so, I do not think it is necessary to make an elaborate reply to the remaining charges of the right honorable gentleman, who finds that this blessed course of things, which he has to-night for the

first time described, was interrupted by the wanton and ambitious course — not that he has used any violence in describing it — of the friends around me, and my own course, whereby we have darkened the smiling picture that was then presented, thrown Ireland into a state of political difficulty and danger, and brought her to the stage nearest to civil war. We brought her, says the right honorable gentleman, to the very verge of civil war, at the very moment when we have been able to do that which he promised, but could not effect — namely, to restore in Ireland the rule of ordinary law. Well, Sir, the right honorable gentleman says that the Fenian conspiracy was the cause and the warrant of the policy of the Government. Not, certainly, according to our declarations and professions. If we are asked why we thought this measure necessary, why we felt it to be an absolute and imperative duty to propose our plan in lieu of the plan proposed or sketched on the part of the right honorable gentleman, and possibly why we might have found it our duty to propose our plan if he had shadowed forth no policy or plan whatever, my answer is this: we knew of no criterion by which institutions in this country or in any other country can be judged except the double criterion of policy and justice. In our conviction, the existence of the Irish Church is an injustice to the people of Ireland. In our conviction,

it is marked with the deepest features of impolicy, and has been perhaps the crown, perhaps the basis, certainly an essential and inseparable part of that system to which the woes and miseries of Ireland have been owing. And we stand supported in this opinion not by our own judgments and convictions alone, but by the voice of Ireland, rendered through her constitutional representatives, and by the voice of every other portion of her Majesty's United Kingdom.

There was one other remark of the right honorable gentleman which I think I ought to notice with regard to the course that he has pursued upon the present Bill, and with regard especially to the amendments which he placed upon the table. Do not let it be supposed that I am about to make any complaint of the course taken either by the right honorable gentleman or by honorable gentlemen opposite in general. I see before me at this moment many who have honestly, manfully, and ably fought the battle, and who have conducted the warfare in such a temper as befitted the solemnity of the task — for in that part of his speech I quite agree with the right honorable gentleman — and the high position which they hold. But with respect to those amendments I cannot help saying a word. I am not sure in what degree the right honorable gentleman had himself made a financial study of his own amendments ; but when

they appeared in such formidable magnitude and volume, I did endeavor to make the best calculation in my power of the compensations of misfortune — the *solatia victis* which the right honorable gentleman proposed to administer to the Irish Established Church; and, putting together his fourteen years' purchase of one thing, his four years' purchase of another, and the various grants and largesses which he scattered with a liberal hand, I found the result to be this — that the disendowment of the Irish Church was to end in leaving that institution in possession of a somewhat larger mass of property than that which she now holds. It appears that the right honorable gentleman had borne in mind the history of the Patriarch Job. We all remember how the life and sufferings of that excellent man commence with a touching account of his disendowment and of the admirable courage with which it was endured, and how the narrative cheerily ends with an announcement that in the close of his life he had more stock and greater possessions than ever. That, Sir, was the precise example, the very model upon which the right honorable gentleman framed his amendments; and the disendowed and disestablished Church, which is now the richest Church in the world with reference to its numbers and the work it has to do, would have been richer still if the benevolent designs of the right honorable gentleman

had happily taken effect. Under these circumstances, the right honorable gentleman's powers of surprise and astonishment are as remarkable as his powers of rhetoric and description ; and therefore, if he was surprised at our indisposition to admit these amendments, I must not express any similar sentiments at his declaration ; but I must say that, viewing this matter as a matter of plain prose and not according to high flights of rhetoric, it appears to me that such a mode of conducting the process of disendowment would be neither intelligible nor satisfactory to the people of this country.

This is evidently the time when, if it is unnecessary, as I trust it is, to detain the House with a labored review of the arguments in this case, yet it is desirable and perhaps essential to have some regard to the actual position in which we stand, to the progress we have made in a great journey, and to the distance which still remains to be accomplished. We have seen presented to-night amid signs of exultation — though I do not know whether they amount to the loud and long-continued cheering for which the right honorable gentleman appears to entertain a contempt — petitions from various quarters, and we hear daily of meetings in this and that part of the country. It is confidently hoped, as appears from the cheers of some gentlemen as I speak and from what is

stated by the organs of the party, that the people of England have entirely changed their minds since they elected their representatives, and that, if there could only now be another dissolution, the result would be favorable to the Established Church in Ireland. Sir, as long as there is freedom of speech and action in this country — and God forbid that the day should ever come when that freedom shall be restricted! — there will always be, especially upon questions of this kind, minorities with numbers and power sufficient to present petitions in respectable numbers and to hold meetings which by a sanguine reporter may be even described as well attended. But, without the slightest disrespect to those meetings or those petitions, acceding at once to the most liberal estimate that any gentleman opposite may be disposed to frame, I wish to point out that the majority returned to Parliament a few months ago are not under the same necessity either of holding meetings or of subscribing petitions as those who unfortunately belong to the minority. I apprehend it is a doctrine of the Constitution that in this House the voice of the people is spoken; and if the doctrine can be more indisputable at one period than it is at another, it must be the most clear and commanding in its force, of all times, at this time, when we come here fresh from contact with our constituents, and when the main issue upon which

we came had been placed before those constituents with a clearness and amplitude almost unexampled. Therefore, honorable gentlemen opposite will not be surprised if we are sceptical with respect to the reaction of which they take for themselves so encouraging a view. Again, we are, I think, entirely impervious to the reproach that it is by truckling to the Roman Catholic vote, or by chaffering for its attainment, that we have placed this matter in its present position. I can remember well declarations of leaders on the opposite side with respect to the Roman Catholic vote. I think, indeed, I can recollect a declaration of Lord Derby pointing out which of the two parties in this country was the natural ally of the Roman Catholics, which appears to show that there was some small appreciation of the Roman Catholic vote in those quarters at a time when it was to be had. But I say, let every Roman Catholic gentleman, if he be so disposed,—and God forbid I should question his right to perfect and absolute equality with us !—walk into the lobby of the House when we are about to take our division on the question, and the Bill will still be carried by a majority of Protestant voices alone, greater perhaps than has carried any contested measure since the Reform Bill of 1832.

My right honorable friend, the member for North Staffordshire, I would now proceed to say, spoke at a time when the House was very thin, and for

his sake, as well as for the sake of the House, I regret that such was the case, because I was much edified and in some degree entertained — the House, I think, would have shared those sentiments — when I heard my right honorable friend go over the cases of the colonies of this country to show that what took place in Jamaica, in Canada, and elsewhere were not proceedings in the direction of disendowment, but rather in the direction of establishment of churches. That point, however, is not perhaps so material as that which I wish now to mention. My right honorable friend was severe on the voting in committee on this Bill. He said that honorable members on this side of the House have shown a fastidious and excessive attachment to the pledges which they gave at the late elections — that is to say, that they have in his opinion over-construed and exaggerated the obligations which they then contracted ; and he thought it was owing to this mistaken proceeding on their part that they have supported by such large majorities the general propositions contained in the Bill in all its most important clauses. But I would venture to suggest to him that there is another cause which may possibly have some connection with this comparative uniformity of voting. Let my right honorable friend only for a moment set out on the hypothesis — in order to test the phenomenon of which he speaks — that

gentlemen sitting on these benches are deeply in earnest in this matter, and intend, so far as depends upon them, that the end which we have in view shall be attained. I think my right honorable friend will find in that hypothesis a more natural and probable cause of the manner in which union of sentiment has prevailed among us on this great question than in the explanation which he himself has suggested — the fastidious exaggeration of obligations incurred on the hustings.

We are, I apprehend, aware of that which the right honorable gentleman has told us — that this is a great and solemn work which we have taken in hand, and that it is hardly possible to exaggerate the temerity, the responsibility, or the guilt of those who, having come to the determination that such a work ought to be accomplished, then, through levity or folly, or any pursuit of minor objects in themselves good but tending to the prejudice of the major object, should allow that work to fail. I think I need not ask my right honorable friend whether he is not perfectly aware that in connection with the future progress of this measure in "another place" nothing can be so important toward securing the full effectuation of the wishes and desires of the nation in regard to it as the manner in which the House of Commons has shown its own unity of purpose and determination. I cannot help saying — and I trust I

am not giving offence by saying it — that even the majorities by which the various stages of this Bill and many of its clauses in committee have been carried do not adequately represent the relative strength of the sentiment which propels it towards its final accomplishment. And for this reason : those who support this Bill, so far as I know, have this advantage, that they are completely agreed in a positive policy on this great national question. We have one and all come to the conclusion that it is requisite that the Established Church in Ireland should cease to exist as an establishment. This is an intelligible and, above all, a substantial proposition, and the question I now wish to ask is : Is there any corresponding substantive proposition on which honorable gentlemen opposite are similarly agreed ? [Mr. Newdegate : How can there be ?] I entirely agree with the honorable gentleman, and I tell him why. Because he, for one, representing an important phase of opinion, totally differs in views and sentiments from those who sit on the bench before me. The honorable member for North Warwickshire is one of those who proposed to maintain the existing ecclesiastical arrangements of Ireland, subject, of course, to internal reforms. Of course if I am misrepresenting him I withdraw what I have said ; but, at all events, I think he does not propose to endow the Roman Catholic

Church in Ireland. If I am mistaken in that assumption — if the honorable member is of opinion that a large and handsome endowment ought to be given to the Roman Catholic Church in Ireland out of the Consolidated Fund in order to establish perfect religious equality,—then I must apologize to him for having entirely misapprehended him. But, at any rate, it is well known that there are many honorable gentlemen on that side of the House who will not shrink from the avowal that they represent what is called the pure Protestant sentiment of Ireland ; and it will be recollected by them, as well as by us, that in the great meetings in Ireland the plan of endowing the Roman Catholic Church in Ireland has been distinctly and emphatically condemned, and there are many honorable members who hold that opinion sitting on the opposite side. But how is that opinion represented on the bench before me ? What is the sense of the right honorable member for Buckinghamshire upon this subject, and what did he say with reference to his determination to resist any attempt to procure an endowment for Popery ? I did not hear that portion of his speech, in consequence, perhaps, of some physical infirmity, neither have I heard any speech to that effect from him for many years past. What said the right honorable gentleman, the member for Dublin University, who has so well and so gallantly done his

duty in opposition to the Bill, but who, like a man, never concealed for a moment his belief that liberal arrangements with regard to the other religious bodies must be made if the Established Church was to be maintained? What said my right honorable friend, the member for North Staffordshire? He said, "I don't find fault with you for saying that the whole distribution of ecclesiastical property in Ireland must be altered; but what I condemn is that you are taking away the religious endowments from the support of religion at large." Therefore I say that while with perfect consistency and sincerity honorable gentlemen who sit opposite can combine perfectly well together for the purpose of resisting the substantial policy of her Majesty's Government, they have no substantive policy of their own, and, indeed, as the honorable member for North Warwickshire says, they cannot have any possible concurrence upon any measure whatever, for the simple reason that they are not agreed as to the manner in which the ecclesiastical affairs of Ireland ought to be arranged. I charge upon the honorable member no assertion whatever. I shall be cautious in attributing to him anything with reference to the Irish Church beyond what he has conveyed by his interjectional question — "How can there be?"

Now, with reference to the Bill before the House, we have endeavored honestly and laboriously to

fulfil the pledges which we gave and to attain the ends which we thought such a measure ought to be framed to meet: in the first place, to disestablish the Irish Church; in the second place, to give effect to the general rule of disendowment; thirdly, to give an equitable consideration to the interest of persons and of classes; and fourthly, to save all strictly vested interests. The right honorable gentleman, in his speech, which by no means abounded in hard words, used the expression that the measure now before the House was harsh in conception and arrogant in execution. I am not sure how I am to understand those epithets; but I take them as simply implying condemnation. I will just point out how far from being just such a description is of the temper in which this measure has been framed, or of the manner in which effect has been given to it by the votes of this House. We have proposed to give to the Established Church of Ireland, when disestablished, everything in the nature of a private endowment within the last two hundred and more years, and to pay the expenses for that religious body for ascertaining the titles which they can discover and make good. No one on the opposite side has thought fit to observe in the way of justice, and no one on this side has even observed in the way of captious criticism that, in that proposal, we have gone far beyond anything that was stated in the last

Parliament. I am not aware that in those speeches which have been constantly referred to for the purpose of binding us to some general phrase of the widest limit in the most stringent sense it could receive in favor of the Established Church, the least notice has ever been taken of this. I own that at that time it had not appeared to me that we could fairly ask the House to go as far as we have asked them to go, and as the House has agreed to go, in recognition of these private endowments. I say that it is a great act of liberality to admit that for more than two hundred years past all that has been given to a national religion has been given to it in the same sense and manner as if it had been given to the unrecognized and private sect. Much of what is given to a national Church is given, undoubtedly, because of its national character, and not on account of any particular preference of the giver for its doctrines or discipline. If any honorable gentleman doubts that, I am sure it must be because he had never given his mind to the examination of these matters in detail. There cannot possibly be a better example than the case of Scotland. I ask whether any man in this House, who knows Scotland, supposes for one moment that the donations which the Established Presbyterian Church has received within this last fifty years have been given by persons on account of the value which they place on its religious opinions,

or whether, on the contrary, it is not notorious that a large portion of it has been given to it because it was the established religion of the country. I only quote this particular case because I cannot accede and cannot bow to the censures which are bestowed on this measure with respect to the spirit in which it has been framed; and I must respectfully take leave to say that, while I am aware there is much stringency and much severity in the very words *disestablishment* and *disendowment,* and while we have not felt ourselves at liberty to shrink from giving full and fair effect to those words, yet, so far as we did find ourselves free to mitigate in detail the application of our principle, that is an object which we have kept steadily in view.

There is another matter in which we have most seriously labored, and that is to consider what are our obligations to the Church now about to be disestablished, with reference to its future condition. We might have adopted provisions in the Bill—I take no credit for not having done it—but we might have adopted provisions which, while simply recognizing the proprietary rights of individuals, would have gone far to drive the body at once into a state of anarchy and dissolution. The clauses relating to the mode of fixing the compensations, those fixing the provisions for commutation, and those relating to the laws by which the

religious communion will be governed until it shall have had time to consider its position and to modify them according to its altered circumstances, will, I think, bear some testimony in the face of impartial observers to our sincere and even ardent desire that this great change should be attended with as little shock as possible. We desire that it should be effected, not like the overthrow of a building, but like the launch of some goodly ship, which, constructed on the shore, makes, indeed, a great transition when it passes into the waters, but yet makes that transition without loss of its equilibrium, and when it has arrived at the receptacle floats on its bosom calmly and even majestically. And if the honorable gentleman sees fit to meet with laughter that declaration, I say that I am not using the language of romance, which sometimes, perhaps, may be heard even in this House, but I am using words which the most rigid observer and describer would admit to be applicable to cases like that which has been so frequently mentioned and so much discussed in the course of these debates—the case of the Free Church of Scotland, to whose moral attitude scarcely any word weaker or lower than that of majesty would, according to the spirit of historical criticism, be justly applicable.

At this hour of the night I will avoid entering into the general argument. But this I must say,

that of the reproaches which have been used on the other side of the House, I feel but little such as have been directed against us. It is quite natural that strong words and hard words should be uttered against those who submit to Parliament projects of extended and of radical change, however the projectors of those plans may think them founded on and warranted by justice and necessity. And, therefore, I do not for a moment complain, even when the honorable gentleman who moved the amendment describes the policy that we recommend and pursue as "a denial of God." Undoubtedly those are very strong words and very hard words, but I think it is our duty to pass them by, having regard to the circumstances of excitement—I do not mean of personal or of momentary excitement, but of political excitement —under which they were uttered. But there has been another description of reproaches in which honorable members opposite have been exceedingly unjust; and they are the reproaches which —if I may say so—they have uttered against themselves — not against themselves personally, but against those whom they represent, especially in Ireland. I think that the most severe and unjust reproach they can make is when they describe—as the honorable gentleman, the member for Londonderry, described to-night—the indisposition of the Protestants in Ireland to support their Church

without the aid of the State. That honorable member likewise addressed unfortunately a very thin House, and I will, speaking in his presence, mention to the House the manner in which he disposed of the argument, often urged on this side of the House, that the Irish Church might subsist hereafter on the voluntary system. The honorable Baronet, I am bound to say, began by saying that, so far as regarded all these aids which we have thought not without value—namely, the provision for a whole generation of clergymen, for churches, glebe houses, and the rest—he attached to them no value whatever. We had been told that seven eighths, or as Chief-Justice Whiteside said, thirteen fourteenths, of the land of Ireland is in the hands of those who belong to the Irish Church. Well, considering that the land of Ireland contains the great mass of the property of that country, it does appear to me that some small presumption arose that something at least could be done for the maintenance of the religious communion to which the owners of that land belong. How did the honorable member for Londonderry repel that argument? He said, "I divide these landlords into three classes. The first are those who are indifferent, and they, of course, will do nothing. The second are the absentee proprietors, and they, too, will naturally do nothing. The third are the smaller and generally resident

proprietors, and they, too, will naturally do nothing." Yes, that is the conclusion to which the honorable gentleman came, and I am about to state the reasons which these gentlemen are going to urge. The indifferent are not to urge any reason at all. The absentee proprietors, what are they to say? The Church body are to knock at their door and ask for a bank-note for the support of the Church, and the plea which the absentee proprietors are to urge is that the agitation about their land is so dangerous that they are occupied in considering their own position, and cannot consider that of the Church, and that they could do nothing. When he came to the resident proprietors, he said that they would be in the same condition. They would say that the tenure of landed property in Ireland had been so undermined in value that even the actual rents they were receiving had lost their value, and that their fears for the future had cancelled their obligations for the present. And, therefore, this universal blank is to be the result of the application to the owners of seven eighths of the land to do something towards the support of their own Church, at the moment when the cotters upon their own property were dividing almost their last potatoes with the parish priest. I think that the severity of the reproach is hardly to be exaggerated. I know not how it may appear to others; but I own, for my

part, I believe that we are deeply responsible for having created, by errors long persisted in, that artificial state of mind and sentiment which can alone account for the extraordinary propositions that we hear in discussions on this subject by men, not only of character and honor, but also of sense, judgment, and ability. Again, when we hear gentlemen saying, not very often in this House, but at meetings which we are told are influential and commanding—when we are told that for Protestants to give up their special privileges is intolerable, and that equality of right enacted by law is a great grievance which would even justify, we are sometimes told, armed resistance—that it is quite true that the Protestants of Ireland have been loyal, but that the last day of their privileges will be the last day of their loyalty — I say that all these declarations are the spawn of an unhealthy state of things ; that the morbid condition which is sometimes attributed to the occupier of the soil is not confined to that class of Irish society ; and that unnatural exaltation and ascendancy are just as fatal to the balance of the human mind as unjust depression ; and depend upon it that it will require very little time for all these clouds of error to clear away, and for the manful and intelligent Protestants of Ireland to assume those responsibilities which others less competent have shown themselves willing

and able to bear, and that they will be the first to acknowledge the fallacy of the prophecies in which they themselves have, perhaps, not unnaturally indulged.

Sir, we have arrived at a point at which we have little to do but to consider the manner in which we have discharged the duties of our stewardship, and in which others will discharge theirs. Up to this moment, we, the Commons in Parliament, have stood face to face with the nation, and on the third reading of the Bill it is we who ought to ask ourselves whether we have endeavored to quit ourselves like men of our obligations. We pass this Bill probably to-night, and then it will be the House of Lords who, instead of the House of Commons, will stand face to face with the nation. I never presumed to complain of the course taken last year by the House of Lords with respect to the Suspensory Bill. It was an absolute duty on our part to avail ourselves of the disposition of the then existing Parliament to send forward that Bill, because that Bill redeemed our policy and proceedings from the charge of a vaporing insincerity and showed that we meant what we said. But I could not feel surprised that the House of Lords declined, on the first application so made, and especially at a period when an appeal to the people was likely to occur at the earliest date, to commit themselves even to a

qualified recognition of so great a change as that which we were known to contemplate. And having made no complaint of that exercise of power, I will not for one moment be so unjust to the House of Lords as to suppose that it will upon this great occasion fail to discern its duty, fail to discern the just claims upon it of an emphatic declaration from the nation, fail to discern what is due on the one hand to the people of this kingdom and on the other to its own permanent dignity and utility as a great institution of the realm.

Now, Sir, there is one form of reproach often brought against us which I must emphatically though respectfully repel. It is often said that we, for, if not unworthy, at any rate secondary purposes, have discarded higher principles. I read in a passage, I think in a recent episcopal charge, this expression: that we were pursuers of temporal expediency; and some contrast was attempted to be established between this temporal expediency and some higher principle we were supposed to surrender and forego. Sir, I know of and admit no such distinction. We are not pursuers of utility in any sense in which utility is distinguished from duty. The opposition is a false one. There is no such thing as utility in politics that is apart from duty. It is as a measure of duty and a measure of justice that we pray and trust

this measure may stand or fall, and any other object or purpose we emphatically disclaim. What is it that we are doing? We have in Ireland at this moment the richest Church in the world. We are told, indeed, and I believe truly, that there remains but one fifth of the original of what the Church property of Ireland would have been had none of it been wasted. Well, Sir, four fifths of this property having disappeared without any charge of robbery, sacrilege, spoliation, or plunder, under the kind and friendly hands of those children of the Church who have had the exclusive management of its affairs, we now look this institution in the face, and we find that, even with its one fifth, it is still the richest Church in the world; and in respect of its wealth, in respect of its establishment,—I do not for a moment hesitate to admit,—under these aspects we seek to destroy it. Another fabric, I trust,—another in respect at least to these particulars,—will rise in its place; less adorned, undoubtedly, with the goods of this world, but separated also from the unjust privileges, separated from the false associations, separated from all those bitter memories and traditions and privileges and associations, which, if we were to use the language of figure, it might not be wholly improper to describe as themselves the angels of the Evil One polluting by their presence the temple of the Most High. The right honorable gentleman said in a

remarkable speech, delivered on a former occasion, he feared we were going to drive forth the Sacred Presence from the portals of the Constitution. No! The spirit we seek to expel is a spirit very different from that. We have endeavored to impart no shock to the doctrine, the discipline, or ecclesiastical arrangements of the Established Church in Ireland. Her creeds, her orders, her mission stand entirely unimpaired. Dealing with her temporalities, we have striven to deal with them alone. We may even have a lingering sentiment of regret that she should be deprived of them in cases where any hardship may follow. But at the same time we feel that she will be forever rid of alliances which have been fatal to her moral power as a national establishment of religion. And setting aside those unhappy and evil auguries, in which many of her friends abound, we hope she will pass through the ordeal she has to endure, and come out of it with a clearer consciousness of her mission and a greater singleness of purpose for the fulfilment of her work, when she is separated from political associations. If that be so, although she may have much to forego in respect of temporal splendor, yet the day may come when it will be said of her, as was said of the later and smaller Temple of Jerusalem, that the glory of the latter house is greater than the glory of the former; and when the most loyal and faithful of her children

will learn not to regret that the Parliament of England took courage to itself, and that the day at length arrived when the Irish Church was disestablished and disendowed.

END OF VOLUME VII.